The City Council of the City of Raleigh met in a regular scheduled meeting on Tuesday, July 3, 1984 at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch Presiding,
Ms. Babb
Ms. Block
Ms. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Vernon Tyson, Edenton Street United Methodist Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - MARY McCLOUD BETHUNE DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Saturday, July 7, 1984 as the Mary McCloud Bethune Day in the City of Raleigh. The proclamation was accepted by Mary Malette and Jannette Hicks. Ms. Hicks expressed appreciation for the recognition shown to this fine lady and wished the Council success in their continued interest in addressing the housing program in the City of Raleigh. Ms. Malette presented Mayor Upchurch a picture of Ms. Bethune and ticket to a banquet in her honor on Saturday, July 7.

***PARKS AND RECREATION - DANNY O. WHITEHURST FUND - ESTABLISHED

Michael J. Cabello indicated Danny O. Whitehurst was killed in an automobile accident recently. He indicated Mr. Whitehurst was a resident of Raleigh and very active in sports in the City of Raleigh particularly the T-shirt League and the men's softball league. He indicated he and a number of Mr. Whitehurst's friends got together and raised money to establish a memorial fund in Mr. Whitehurst's name. He presented Mayor Upchurch with $1,000 to start the memorial fund indicating it is hoped that this money would be used possibly in some type children's leisure activities. Mrs. Whitehurst was introduced. Mayor Upchurch expressed appreciation for this gesture. See Ordinance 374

***PERSONNEL - ERNESTINE LEACH - RECOGNIZED

Mayor Upchurch recognized Ernestine Leach, a staff person in the Community Development Department, indicating Ms. Leach had received her Doctor's degree in education recently from Rutgers University.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda will be a roll call vote.

Mr. Walters requested that the item relating to funding of fire apparatus be withdrawn. Without objection, that item was withdrawn. Mr. Calloway moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SPECIAL POPULATIONS PROGRAM - INTERIM BUDGET - ADOPTED

This program receives funding support from the Wake County Area Mental Health Department. However, it is necessary to arrange interim funding for the first quarter to cover the total costs until funds are received (July 1 - September 30, 1984). This will enable the program to continue present operations until matching funds are received from Wake County Area Mental Health. A copy of the proposed first quarter budget was included in Council Members' Agenda packet.

Recommendation: The interim budget in the amount of $56,046 is recommended for approval. Consent Agenda approval: Calloway/Babb - 8 ayes.

ORDINANCE NO. (1984) 371

AN ORDINANCE AMENDING THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 84/85 budget be increased to reflect the interim funding of the 84/85 Special Populations program as follows:

Revenue:	02-1-6700-0101 Spec. Pop. - City	$56,046.00

Expenditures:		
02-2-6700-0000	84/85Spec. Pop.	$ -0-
02-2-6700-0100	Salaries	43,300.00
02-2-6700-0101	Fringe Costs	5,010.00
02-2-6700-0200	Audit	125.00
02-2-6700-0213	Reg./Subs.	125.00
02-2-6700-0225	Repairs Bldg. & Gr.	200.00
02-2-6700-0226	Repairs: Office Eqpt.	50.00
02-2-6700-0228	Tele.//Postage	25.00
02-2-6700-0230	Vehicle M&O	5,125.00
02-2-6700-0231	Travel	525.00
02-2-6700-0237	Car/Bus Rental	935.00
02-2-6700-0240	Ptg./Repro.	138.00
02-2-6700-0260	Office/Other Supplies	300.00
02-2-6700-0265	Athletic Supplies	75.00
02-2-6700-0266	Ins./Bonding	113.00
	Total	$56,046.00

***GRANT - ENCROACHMENT AGREEMENT - APPROVED

Lincoln Developers Corporation has a project under construction adjacent to Camp Durant and this has created a sedimentation problem on City property. The company has accepted responsibility for resolving this problem and needs to have an agreement from the City to allow them to encroach on City property to build a sediment basin on no more than .1 acre. A copy of the proposed agreement was included in the Council Members' Agenda packet.

Recommendation: It is recommended that Council approve the encroachment agreement from Lincoln Development Corporation. Consent Agenda approval: Calloway/Babb - 8 ayes.

***MILLBROOK ROAD - ENCROACHMENT AGREEMENT WITH SEABOARD SYSTEM RAILROAD - APPROVED

It is necessary to obtain an encroachment agreement from Seaboard System Railroad to install a sanitary sewer line in the new Millbrook Road as it crosses the railroad. Council Members received a copy of the agreement in their Agenda packet.

Recommendation: It is recommended that Council approve the agreement. Consent Agenda approval: Calloway/Babb - 8 ayes.

RESOLUTION (1984)-557

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and to sign same on behalf of said City whereby said Railroad grants unto said City the right or license to install and maintain a sanitary sewer pipeline across the right-of-way and under tracks of said Railroad at Raleigh, North Carolina, as particularly described in said agreement dated May 8, 1984, a copy of which is filed with the City Council.

***SPRING FOREST APARTMENTS - ENCROACHMENT AGREEMENT WITH CP&L - AUTHORIZED

A sanitary sewer line extension to serve Spring Forest Apartments has to cross a CP&L power line right-of-way. An agreement has been developed to provide for this extension which will be made by private developers. A copy of the agreement was in the Council Members' Agenda packet.

Recommendation: It is recommended that the agreement be approved. Consent Agenda approval: Calloway/Babb - 8 ayes.

***DACIAN ROAD GREENWAY - CP&L EASEMENT - APPROVED

Carolina Power and Light would like to widen an existing power easement adjacent to Raleigh's Dacian Valley Greenway. The Greenway Commission reviewed CP&L's plans and would recommend that the City Council approve this easement but restrict the amount of clearing to a minimum. The Greenway Commission also suggests that the Council add to this easement agreement the following specific points: 1) that the City's Arborist be consulted before clearing is begun; 2) that proper abor-cultural techniques be used by CP&L or its contractor; and 3) that all brush and debris, caused by trimming, be removed from the site immediately after the work is complete. A map and the proposed easement agreement were included in the Council Members' Agenda packet.

Recommendation: Approval by Council is recommended. Consent Agenda approval: Calloway/Babb 8 ayes.

***POLICE INFORMATION NETWORK - CONTRACT - VIOLATIONS BUREAU - MAYOR AUTHORIZED TO SIGN

A PIN terminal contract has been received for execution by the City which reflects an increase in rental effective July 1, 1984, and which requires the signature of the Mayor. Funds were provided in the FY 84-85 Budget.

Recommendation: It would be appropriate to have the Council authorize the Mayor to sign the contract. Consent Agenda approval: Calloway/Babb - 8 ayes.

RESOLUTION 567

A copy of a resolution passed by the City Council of the City of Raleigh, North Carolina.

The following resolution was offered by Mr. Calloway and a motion was made by Mr. Calloway that it be adopted, this motion was seconded by Ms. Babb, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice, Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Violations Bureau of the City of Raleigh provided the Violations Bureau of Raleigh agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the usage cost of such terminal from the date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice, Police Information Network and this Municipality have agreed as follows:

(A) The North Carolina Department of Justice, Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the usage cost (which cost includes maintenance) of the Police Information Network terminal in the amount of $250.00 (per month) beginning from date of installation.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and is hereby formally approved by the City Council of the City of Raleigh and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 3rd day of July, 1984.

***POLICE ACADEMY - JANITORIAL SERVICES CONTRACT - RUFUS DUDLEY CONTRACT RENEWED

In August, 1983, the janitorial services of Mr. Rufus Dudley were retained for the police academy. The one year contract will expire on July 31, 1984. Because Mr. Dudley's services are found to be adequate and necessary, it is desirable to renew his contract for another year with the same terms.

Recommendation: Approval is recommended. Consent Agenda approval: Calloway/Babb - 8 ayes.

***EMERGENCY JOBS BILL - SOCIAL SERVICE CONTRACTS - EXTENDED

On June 21, 1983, the City Council authorized funding of several social service agencies through HUD's Emergency Jobs Bill. Due to late start up and the difficulty some agencies have experienced in hiring persons who meet the unusual HUD requirements of the program, some of the agencies are requesting an extension of their contracts as follows:

Agency	Current Contract Expiration Date	Requested Contract Expiration Date
Gethsemane-Rainbow, Inc.	07/31/84	09/30/84
Homemaker-Home Health Aide Service	07/31/84	11/30/84
East Central Legal Services	09/30/84	12/31/84
Downtown Housing Dev. Corp.	07/31/84	12/31/84
YWCA of Wake County	07/31/84	12/31/84

Recommendation: It is requested that the City Council authorize the extension of the above social service contracts under the Emergency Jobs Bill Program. Consent Agenda approval: Calloway/Babb - 8 ayes.

***SANITARY SEWER EASEMENT - SURPLUS - TO BE DISPOSED OF

During the approval of the Home Place Square, Phase II Subdivision, the sanitary sewer was shown as being relocated from an existing sanitary sewer easement to the proposed right-of-way of Hollowell Lane. At this time, the construction of the relocated sewer is complete and we need to dispose of the existing easement, which crosses Lots 24, 25, and 26 of the Home Place Square Subdivision.

Recommendation: It is recommended that the unneeded sanitary sewer easement be declared as surplus property and that the City Council authorize the disposal of the property through the upset bid method with the minimum bid being equal to the advertising cost. Consent Agenda Approval: Calloway/Babb - 8 ayes.

***RALEIGH HISTORIC PROPERTIES REGISTER - NOMINATIONS - PUBLIC HEARING AUTHORIZED

The Raleigh Historic Properties Commission has recommended the addition of four properties to the Roster of Raleigh Historic Properties. These properties are: 1) the Badger-Iredell Law Office at Mordecai Historic Park; 2) the Professional Building at 127 West Hargett Street; 3) the Montgomery House at 214 New Bern Place; and, 4) the Henry Clay Oak at the northwest corner of Blount and North Streets.

Prior to the addition of these properties to the Roster of the Raleigh Historic Properties, it is necessary that the Council schedule a joint public hearing with the Raleigh Historic Properties Commission. The Historic Properties Commission has reviewed each potential nomination and found that each possesses the necessary requirements in terms of architectural integrity and historical significance to qualify for consideration in the Roster. Included in the Council Members' Agenda packet were the ordinances proposed for public hearing.

Recommendation: The Council may wish to authorize a hearing to be held on July 17, following all required notification. Consent Agenda Approval: Calloway/Babb - 8 ayes.

***REGENCY RESIDENTIAL, INC. - LETTER OF CREDIT RELATING TO UTILITIES - APPROVED

Regency Residential, Inc., is requesting that the City accept a Letter of Credit securing the installation of the utilities in Phase One of Holston-Lane Subdivision.

This request is being made to facilitate the City's allowing the recordation of the subdivision and the origination of construction prior to the finalization of the permits by the State for the utility installations. The permit issuance delay is presently running 60+ days.

Recommendation: It is recommended that the City Council accept a Letter of Credit in the amount of $45,075, which is 150 percent of the estimated cost of the water and sewer improvements, subject to the approval by Administration of the terms of that Letter of Credit to assure that the lines are installed in accordance with City and State standards. Consent Agenda Approval: Calloway/Babb - 8 ayes.

***MUNICIPAL AGREEMENT - DAWSON/McDOWELL STREET EXTENSION - TRAFFIC CONTROL CHANGES - APPROVED

The NCDOT and City Department of Transportation have planned, at NCDOT's request, the detour arrangements for construction of Dawson/McDowell Extension and NCDOT has agreed to reimburse the City $20,620 lump sum for establishing and managing the detours and traffic controls associated with the project.

The State's contractor proposes to begin work on July 9, 1984, and the detour routes need to be established by that date. The Council is requested to authorize the traffic controls associated with the following detours (Dawson Street will be closed south of Lenoir Street and Lenoir Street will be closed from McDowell Street to a point west of Dawson Street):

1. Lenoir Street traffic will be detoured via a two-way South Street from McDowell Street to West Street.

2. Present Dawson Street traffic will be detoured via Cabarrus Street and Salisbury Street and via Cabarrus Street and West Street.

   A map was available at the Council Meeting to illustrate these traffic control changes.

Recommendation: It is recommended that the City Council approve and authorize the Mayor to execute a municipal agreement, whereby City forces will install and manage the detours and traffic controls associated with the Dawson/McDowell Street Extension and approve detour traffic controls for the construction project to be effective immediately. Consent Agenda Approval: Calloway/Babb - 8 ayes.

RESOLUTION NO. (1984)-558

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilman Calloway and seconded by Councilwoman Babb for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation proposes to make certain traffic control improvements under Project 8.2433103, Wake County; said improvements to consist of the installation of traffic signals at the intersections of (1) Dawson Street and Lenoir Street, (2) Lenoir Street and West Street, (3) Cabarrus Street and West Street, (4) Dawson Street and South Street, (5) McDowell Street and South Street, (6) Maywood Street and South Saunders Street, and (7) Dawson Street and South Saunders Street, and the installation of detour signing and pavement marking; and,

WHEREAS, the Department of Transportation desires to enter into an agreement with the City of Raleigh whereby the Muncipality shall install the traffic signals to be furnished by said Department, and provide detour signing and pavement marking; and,

WHEREAS, the Department of Transportation shall reimburse the Muncipality a lump sum amount of $17,135.00 for the signal work performed by the Muncipality and $3,485.00 for the detour signing and pavement marking.

NOW THEREFORE, BE IT RESOLVED that the agreement for the installation of traffic signals is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality is hereby empowered to sign and execute the agreement with the Department of Transportation.

ORDINANCE NO. (1984) 374

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the following amendments to the traffic schedule are hereby authorized for detour and closure of Dawson Street form Cabarrus Street to South Street and Lenoir Street from McDowell Street to West Street:

Add to Traffic Schedule 13: South Street, 150 feet west of West Street, eastward to McDowell Street.

Delete from Schedule 6-C7: Dawson Street at Cabarrus north approach.

Add to Traffic Schedule 6-C11: Dawson Street at Cabarrus north approach.

Add to Traffic Schedule 6-A6: Cabarrus Street at West Street east approach.

Delete from Traffic Schedule 9: South Street eastward from Boylan Street to East Street.

Add to Schedule 9: South Street eastbound from Boylan to West Street.

Add to Schedule 9: South Street eastbound from McDowell Street to East Street.

Delete from Schedule 9: McDowell Street northbound from South Street to Downtown Boulevard.

Add to Traffic Schedule 9: McDowell Street northbound from Lenoir Street to Downtown Boulevard.

Delete from Traffic Schedule 6-C5: Lenoir Street at McDowell Street.

Add to Traffic Schedule 6-C16: Lenoir Street at McDowell Street east approach.

Delete from Traffic Schedule 6-B7: Cabarrus Street eastbound at Dawson Street.

Add to Traffic Schedule 13: West Street at Lenoir Street east side, south 170 feet.

Section 2. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 7/3/84

Effective: 7/3/84

***SURPLUS EQUIPMENT - SALE - AUTHORIZED

Bids were opened on June 27, 1984, for the sale of surplus equipment. Council Members received a copy of the bids in their Agenda packet.

Recommendation: It is recommended that the bids be accepted and the surplus property authorized for disposal in accordance with these bids. Consent Agenda Approval: Calloway/Babb - 8 ayes.

Listed below is a copy of the bid tabulation:

ITEM #	DESCRIPTION	HIGH BIDDER	AMOUNT
1	1980 Chev. Luv Pickup	Larry's Used Cars	$1,000.00
2	1980 Chev. Luv Pickup	Capital Truck Salvage	575.00
3	1975 Chev. Pickup	Riverside Auto	500.11
4	1973 Chev. Pickup	Larry's Used Cars	875.00
5	1973 Chev. Pickup	Larry's Used Cars	550.00
6	1975 Chev. Pickup	Larry's Used Cars	600.00
7	1978 Chev. Pickup 3/4 Ton	Larry's Used Cars	850.00
8	1976 Datsun Pickup ½ Ton	Larry's Used Cars	825.00
9	1978 Chev. Pick Luv	Larry's Used Cars	650.00
10	1977 Chev. Pickup	Capital Truck Company	750.00
11	1979 Chev. Pickup	Riverside Auto	1,000.11
12	1975 Chev. Pickup	Riverside Auto	625.11
13	1979 Chev. Pickup	Cary Used Cars	762.89
14	1974 Chev. Truck	Riverside Auto	475.11
15	1969 International Pump Trk	John Davis	875.75
16	1976 International Pump Trk	William Coston	1,477.00
17	1968 Chev. Truck w/Jet	Randall's Truck Sales	537.00
18	1973 Ford Truck w/Jet	Randall's Truck Sales	711.00
19	1972 Oldsmobile Sedan	Riverside Auto	335.11
20	1973 Volkswagon	Dean GAskins	412.00
21	1977 Chev. Vega	Cary Used Cars	289.00
22	1973 Plymouth Valiant	Cary Used Cars	312.88
23	1975 Plymouth 4 Door	Mamie Davis	209.00
24	1976 Chev. Vega	Larry Beaver	187.00
25	1972 Chev. Nova	Larry Beaver	187.00
26	1972 Chev. Nova	Larry Beaver	187.00
27	1974 Ford Pinto	Larry Beaver	187.00
28	1973 Volkswagon	Randall's Truck Sales	411.00
29	1977 Chev. Vega	Larry Beaver	187.00
30	1975 Chev. Vega	Cary Used Cars	312.88
31	1975 Chev. Vega	Cary Used Cars	288.88
32	1975 Chev. Vega	Larry's Used Cars	306.00
33	1970 Plymouth Valiant	Larry Beaver	287.00
34	1974 Ford Maverick	Larry's Used Cars	502.00
35	1975 Plymouth Fury	Larry Beaver	496.00
36	1977 Plymouth Fury	Larry's Used Cars	650.00
37	1 Lot 3 Mowers (Push)	Larry Beaver	76.00
38	1 Lot 4 Mowers (Push)	Larry Beaver	47.00
39	1 Lot 2 Mowers (Push)	Robert Avritt	60.00
40	1974 Yazoo Riding Mowers	Cary Used Cars	422.88
41	Intl'n Cab Cadet Mower	Larry's Used Cars	505.00
42	1977 Roof Yard Vacuum	Larry's Used Cars	50.00
43	1970 Howard Rotovator	Larry's Used Cars	500.00
44	1979 Echo Chain Saw	Dean Gaskins	31.00
45	Bucket for Backhoe	John Davis	45.00
46	Portable Air Tank	William Coston	12.00
47	Portable Srayer	Larry Beaver	37.00
48	Tire - 1200 X 4 Firestone	Larry Beaver	37.00
49	Gas Space Heater	William Coston	14.00
50	Camper Cover	Larry Beaver	37.00
51	1 Lot Computer Flooring 1500 Square Feet w/Hardware	Larry Beaver	37.00
52	1 Lot (10 ea) Aerotron Mobile Radios	Jeff Adams	100.00
53	1 Lot (11 ea) G.E. Mobile Radios	Graig West	200.00
54	Sharp Calculator Md. CS-2052	Jeff Adams	5.00
55	Sharp Calculator Md. CS-2051	Jeff Adams	5.00

ITEM #	DESCRIPTION	HIGH BIDDER	AMOUNT
56	Sharp Calculator Md. CS-2155	Jeff Adams	5.00
57	Adding Machine Olivetti Md.20	Jeff Adams	5.00
58	Adding Machine Olivetti Md.20	Jeff Adams	5.00
59	Adding Machine Olivetti Md.20	Jeff Adams	5.00
60	Adding Machine Olivetti Md.24	Jeff Adams	5.00
61	Typewriter IBM Exec.	Robert Avritt	50.00
62	Typewriter IBM Exec.	Dean Gaskins	25.00
63	Typewriter Royal	J. L. Ham	8.00
64	Typewriter Royal Md. 2000	J. L. Ham	6.00
65	Typewriter Royal Manual	Jeff Adams	5.00
66	Typewriter Remington Manual	Jeff Adams	5.00
67	Dictaphone	Larry Beaver	1.51
68	Telephone Monitoring Machine	Larry Beaver	6.51
69	Telephone Answering Machine-Doro 311	Larry Beaver	3.51
70	Telephone Answering Machine-Doro 311	Larry Beaver	3.51
71	Telephone Answering Machine-Doro 311	Larry Beaver	3.51
72	1 Lot (4 ea) Basketball Backboards	Dean Gaskins	5.00
73	1 Lot (5 ea) Basketball Rims	Larry Beaver	1.51
74	Table Tennis Top	Larry Beaver	6.51
75	1 Lot (10 pcs) 3/4" X 4'X8' Particle Board	Larry Beaver	3.51
76	Bollard Outdoor Lamp	William Coston	8.88
77	8" Vise	William Coston	6.00
78	Paddle Boat	Larry Beaver	3.87
79	2 ea. Box Type Bike Racks	Larry Beaver	13.87
80	4 ea. Soccer Goals	Larry Beaver	37.00
81	3 ea. Merry-Go-Round	Larry Beaver	3.51
82	1½" H.P Baldoo Motor	Larry Beaver	3.51

***POLICE DEPARTMENT - REALIGNMENT OF PERSONNEL - APPROVED - FUNDS APPROPRIATED

At present, the Police Department Services Division has two Lieutenant positions who work on Community Relations and Crime Prevention. It is desired to upgrade one of these positions to a Captain to provide management of the Crime Prevention and Community Relations effort. It is further proposed that the other Lieutenant position be transferred to the Administrative Division. The Agenda outlined the budgetary adjustments which are necessary for this action.

Recommendation: It is recommended that the personnel realignment and budget transfers be approved. Consent Agenda Approval: Calloway/Babb - 8 ayes. See Ordinance 374 TF1

***TAXICAB OWNER'S PERMITS - VARIOUS - APPROVED ON FIRST READING TO BE PLACED ON JULY 17, 1984 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the Agenda for July 17, 1984, for second and final consideration.

John F. Snipes, Jr., City Cab Company (New Individual Owner's Permit)

Willie Herbert Stokes, Ebony Cab Company (New Individual Owner's Permit)

Mrs. Evelyn Champion Robertson, Associated Cab Company (New Individual Owner's Permit)

Ralph Edward McCoy, Lincoln Cab Company (Renewal of Individual Owner's Permit)

Consent Agenda Approval: Calloway/Babb - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of Meeting Room C in the Civic Center on July 9, 1984, for the regularly scheduled meeting of the Planning Commission from approximately 8:00 a.m. until 12:00 Noon. The Planning Commission is making this request due to the work being performed in the Council Chamber.

Consent Agenda Approval: Calloway/Babb - 8 ayes.

***SHELLEY ROAD BOOSTER PUMPING STATION - CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED

This is a change order which is a deduction of $809 relating to the J. W. Electrical Corporation Contract at the Shelley Road Booster Pumping Station. The Agenda listed the reason for the change order and the budget accounts that should be amended if the change order is approved. Administration recommends approval of the change order and transfer. Consent Agenda Approval: Calloway/Babb - 8 ayes.

***MUNICIPAL BUILDING - CHANGE ORDER #G-9 - MID-SOUTH CONSTRUCTION COMPANY - APPROVED - FUNDS APPROPRIATED

This change order is for an addition of $3,500 and is known as change order G-9 - Mid-South Construction Company relating to the Municipal Building. The Agenda listed the need for the budget accounts that should be amended if the the change order is approved. Administration recommends approval of both. Consent Agenda Approval: Calloway/Babb - 8 ayes. See Ordinance 372 TF1

***MUNICIPAL BUILDING - CHANGE ORDER #00P-2 - APPROVED - FUNDS APPROPRIATED

This change order is an addition of $1,876.89 and is known as Change Order #00P-2 - Alfred Williams and Company relating to the Municipal Building. The Agenda listed the need for the change order as well as the budget accounts that should be amended. Administration recommends approval. Consent Agenda Approval: Calloway/Babb - 8 ayes. See Ordinance 372 TF1

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed a transfer in the amount of $15,000 in the Community Development Department to provide sufficient funds to maintain all CD acquired property for FY'84/85 with recommendation of approval. Consent Agenda Approval: Calloway/Babb - 8 ayes. See Ordinance 372 TF1

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative transfers which have been approved by City Manager according to Council policy. Concurrence with the Manager's action is recommended. Consent Agenda Approval: Calloway/Babb - 8 ayes..

FROM	TO	AMOUNT
01-2-5020-0620	01-2-5020-0225	$171.31
19-2-8010-0534	19-2-8010-0992	$200.00
42-2-9010-0292	42-2-9010-0228	$173.36
01-2-6010-0269	01-2-6010-0260	$950.00
06-2-7040-0701	06-2-7010-0727	$200.00
01-2-1210-0235	01-2-1210-0211	$500.00
42-2-9010-0292	42-2-9010-0228	$068.00
01-2-1180-0260	01-2-1210-0211	$107.00
01-2-5060-0225	01-2-5060-0607	$002.50
01-2-3040-0603	01-2-3040-0705	$525.00
01-2-1130-0266	01-2-1130-0705	$400.00
01-2-1130-0231	01-2-1130-0705	$400.00
01-2-1130-0213	01-2-1130-0705	$175.00
06-2-7100-0002	06-2-7050-0716	$400.00
01-2-5050-0218	01-2-5050-0702	$950.00
06-2-7060-0618	06-2-7060-0236	$400.00
01-2-4020-0627	01-2-4020-0264	$050.00
01-2-4010-0231	01-2-4010-0213	$077.50
01-2-5030-0604	01-2-5030-0608	$325.00
01-2-1180-0702	01-2-1180-0213	$250.00
01-2-1180-0231	01-2-1180-0260	$500.00
01-2-5060-0285	01-2-5060-0231	$060.00
34-2-3806-0100	34-2-3805-0115	$487.50
37-2-1123-0101	37-2-1123-0104	$075.60
01-2-1160-0265	01-2-1160-0230	$100.00
01-2-1040-0001	01-2-9920-0103	$995.00
01-2-1220-0211	01-2-1220-0236	$300.00
01-2-6010-0259	01-2-6010-0221	$400.00
01-2-4030-0227	01-2-4030-0603	$670.00
01-2-1220-0253	01-2-1220-0701	$548.00
01-2-1220-0253	01-2-1220-0701	$836.30
41-2-2000-0194	41-2-2000-0182	$500.00
06-2-7100-0002	06-2-7010-0260	$900.00
06-2-7040-0701	06-2-7060-0702	$391.50
01-2-1200-0701	01-2-1200-0260	$225.00
01-2-5020-0601	01-2-5020-0611	$042.82
01-2-4020-0284	01-2-4020-0219	$222.00

***WS 1984-1 - WATER IMPROVEMENTS AT ATLANTIC AVENUE AND MILLBROOK ROAD - BID AWARDED TO DELLINGER, INC. - FUNDS APPROPRIATED

Sealed bids were received at 11:00 a.m. on Thursday, June 14, 1984, on City of Raleigh Contract (Water Improvement - Atlantic Avenue and Millbrook Road) WS 1984-1.

The following bids were received:

	Base Bid	Alternate
1. Dellinger, Inc.	$614,155.40	$571,745.40
2. T.A. Loving Co.	$651,613.00	$631,038.00
3. W.E. Blackmon Const. Co., Inc.	$662,144.00	$661,270.75
4. RGK, Inc.	$664,983.30	$620,710.50
5. J.F. Wilkerson Const. Co., Inc.	$782,024.70	$736,456.60

Recommendation: It is recommended that the contract be awarded to Dellinger, Inc., in the alternate bid amount of $571,745.40.

If this contract is awarded, it is further recommended that a transfer of funds be approved as follows:

Transferred From:		
84-2-1401-0000	North Area Lines	$100,465.17
84-2-1650-0000	Raw Water Main	117,437.17
84-2-1650-0102	Raw Water Main-Eng.	188,804.85
84-2-1210-0000	North Hills Pumping	76,038.21
84-2-1210-0102	North Hills Pump-Eng.	90,000.00
		$572,745.40

Transferred To:		
84-2-1408-0101	WS 1984-1, North Atlantic	$571,745.40
84-2-1408-0104	Miscellaneous	1,000.00
		$572,745.40

Consent Agenda Approval: Calloway/Babb - 8 ayes. See Ordinance 372 TF1

***BID REQUEST 83-74 - FILTER ANTRACITE - BID AWARDED TO CARBONITE FILTER CORPORATION

Pursuant to advertisement as required by law, bids were received and publically opened in the office of the Purchasing Agent on June 26, 1984, for approximately 100 tons of filter antracite with results as follows:

Carbonite Filter Corporation - $14,314.30; International Media - $15,885. Administration recommends the low bid submitted by Carbonite Filter Corporation be awarded. Consent Agenda Approval: Calloway/Babb - 8 ayes.

***BID REQUEST 84 - TOWING CONTRACTS - MAYOR AUTHORIZED TO SIGN

Six bids were received and Administration recommends approval of these companies, with the term of contracts being July 1, 1984, to June 30, 1985. These companies meet all specifications and will be called on a rotating basis. It is recommended that Council award the contracts to the following:

Brack Barbour's Wrecker Service
Brentwood Wrecker Service
Dunn's Wrecker Service
Price's Paint and Body Shop
Reeves Wrecker Service
Stallings Wrecker Service

It is also recommended that the Mayor be authorized to sign the contracts. (NOTE: Terms of the contracts remain the same as the previous year except for the dates.) Consent Agenda Approval: Calloway/Babb - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCES ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to loading zones on Morgan Street and Wilmington Street and permit parking on Kilgore Avenue with recommendation of approval. Consent Agenda Approval: Calloway/Babb - 8 ayes.

ORDINANCE NO. (1984)-370

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Kilgore Avenue, north side, Brooks Avenue to Gardner Street, 8:00 a.m. to 5:00 p.m., Monday through Friday
Wilmington Street, west side, beginning at a point 60 feet north of Market Street, northward 47 feet

Amend said Schedule further by deleting the following:

Wilmington Street, west side, beginning at Market Street, northward 29 feet

Wilmington Street, west side, beginning at a point 51 feet north of Market Street, northward 56 feet

Section 2. That Traffic Schedule 17 entitled "LOADING ZONES" be amended by adding the following:

Morgan Street, north side, beginning at a point 97 feet east of Salisbury Street, eastward 48 feet

Wilmington Street, west side, from Market Street, northward 60 feet

Section 3. That Traffic Schedule 21-A entitled "RESIDENTIAL PERMIT PARKING, AREA A" be amended by adding the following:

Kilgore Avenue, south side, Brooks Avenue to Gardner Street

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective July 10, 1984.

END OF THE CONSENT AGENDA

***FIRE APPARATUS - FUNDING - REFERRED TO LAW AND FINANCE COMMITTEE

Included in the 1983-84 Budget was one fire engine unit. Bids were received and subsequently rejected by the Council. Administration is proceeding to rebid this unit. However, a new budget year, 1984-85, will be in effect when the bids are received. To secure the estimated costs for this unit, it was necessary to encumber the $117,000 budgeted for the unit and $23,000 from Council Contingency so that these funds would be available when the bids are received.

Recommendation: It is recommended that the Council concur with this encumbering of funds for the fire unit.

Mr. Walters indicated this item was discussed in Law and Finance Committee recently and the Law and Finance Committee recommended that all bids be rejected and the item rebid. He stated he still had some questions in regard to the prebid conference and other items and he would like to refer this item back to Law and Finance Committee. Without objection, the item was so referred.

SPECIAL ITEM

***REZONING Z-65-84 - FALLS OF NEUSE ROAD - PROPERTY REZONED TO O&I-I

This was a request to rezone approximately .8 acre from Residential-4 to Office and Institution-II. During the last meeting, the Council voted to defer action on this case and asked Administration to provide information as to how this property could be developed under various zones. It would be appropriate to further consider the rezoning request.

Mr. Congleton indicated he had asked that this item be deferred at the last meeting pointing out there was some consideration of O&I-I Residential-15 etc. He indicated he had asked the Planning Staff to provide information on how this property could be developed at various zones. He explained after looking at all of the requirements, setback, yard space, etc. he feels comfortable with this case and would move that the property covered by application Z-65-84 be rezoned to O&I-I. His motion was seconded by Ms. Babb. Mr. Congleton explained the property in question and surrounding zoning pointing out he feels the O&I-I would be compatible with the surrounding development and good for the property. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 373 ZC 141

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Falls of Neuse Road, east side, between Hunting Ridge Road and Fox Hunt Lane, being Parcel 3, Tax Map 352, approximately .8 acre rezoned to Office and Institution-I District. (Z-65-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective July 3, 1984.

***LAKE JOHNSON - POOL DESIGN CRITERIA - TO BE PLACED ON JULY 17, 1984 AGENDA

During the last Council Meeting, Administration presented recommended design criteria for the Lake Johnson and Longview Pools so that final design could proceed. The Council action was to approve the criteria for the Longview Pool but defer action on the Lake Johnson Pool. It would be appropriate to further consider this matter. Assistant City Manager Benton indicated at the last meeting, the Council did approve the criteria for the Longview Pool and went over that criteria. Ms. Block indicated she has spent some time with Administration on this matter since the last meeting. She stated she was prepared to bring forth a recommendation today; however, just prior to the meeting, a phone call came into the City Council office about the possibility of some school funding for this project. Therefore, she would like to hold the item for an additional two weeks. Without objection it was agreed to defer action and place this item on the July 17 Agenda.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. It was pointed out that items marked with an asterisk (*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with two asterisks (**) beside the Certified Recommendation number are located within the Falls Basin. Mr. Congleton requested that CR-5096 (S-77-84) and CR-5125 (PA-222) be withdrawn. Without objection, these items were withdrawn from the Planning Commission Consent Agenda. Ms. Babb moved the Planning Commission's recommendation on the remaining items on the consent agenda be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows.

***S-136-82 - SWEETBRIAR VILLAGE - APPROVED

This was a request for approval to subdivide an 11.06 acre parcel, zoned Residential-10, into 13 lots. Lot 13 (6.36 acres) is developed with 58 townhouse units.

The property is located on the south by Pointer Drive, west by Quail Ridge Road and east by Windy Hill Drive, inside the City Limits.

CR-5123 from the Planning Commission recommended that this request be approved according to a map entitled, "Sweetbriar Village," the property of Swansen Development Corporation, drawn by Murphy and Associates, dated May 24, 1984.

***S-91-84 - PARK GLEN - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 22.87 acre parcel which is currently undeveloped and zoned Residential-6 and develop a 6.87 acre, 41 townhouse unit project and a 16.0 acre, 96 condominium unit project.

The property is located on the east side of Raleigh Boulevard, just north of Glascock Street, inside the City Limits.

CR-5124 from the Planning Commission recommended that this request be approved according to a map entitled, "Park Glen," the property of Metro Area Developers, drawn by Paton, Zucchino and Associates, dated June 21, 1984, with the condition that the legal documents for the non-profit townhouse owners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Keller - 8 ayes.

***SC-245 - NORTH HILLS TEMPORARY POSTAL OFFICE - APPROVED WITH CONDITION

This was a request for approval to construct a 5,000 square foot temporary building while renovating the existing post office located at North Hills Shopping Center, zoned Shopping Center.

The property is located at the northwest corner of Six Forks Road and Lassiter Mill Road, inside the City Limits.

CR-5126 from the Planning Commission recommended that this request be approved according to a map entitled, "North Hills Temporary Postal Office," the property of United States Postal Service, drawn by Ferbee, Walters and Associates, dated June 21, 1984, with the condition that the temporary building be removed after one (1) year from the date of approval, as per the agreement with the applicant. Consent Agenda approval: Babb/Keller - 8 ayes.

***SC-246 - FIRST CITIZENS BANK SIGN - APPROVED

This was a request for approval to add a 7.5 square foot sign to an existing freestanding sign (52 square feet) on a .7 acre tract which is developed as a bank and zoned Shopping Center.

The property is located on the north side of Millbrook Road and the west side of U.S. 1, inside the City Limits.

CR-5127 from the Planning Commission recommended that this request be approved according to a drawing entitled, "First Citizens Bank Sign," the property of First Citizens Bank, drawn by Burton Signs, dated May 18, 1984. Consent Agenda approval: Babb/Keller - 8 ayes.

***S-14-84 - BROUGHTON FARM - CR AMENDED

This was a request for approval to amend Certified Recommendation 4086 to delete Condition Number 5 of the Certified Recommendation which required 1,200 feet of street frontage along Oak Forest Drive.

The property is located on the east side of U.S. Highway 1, opposite Oak Forest Drive, outside the City Limits.

CR-5128 from the Planning Commission recommended that Condition Number 5 be removed from Certified Recommendation 4086. Consent Agenda approval: Babb/Keller - 8 ayes.

***Z-66-84 - OLD WAKE FOREST ROAD - DENIED

This was a request for approval to rezone approximately 2.5 acres from Residential-6 to Industrial-I.

CR-5130 from the Planning Commission recommended that Z-66-84 be denied. Consent Agenda approval: Babb/Keller - 8 ayes.

***Z-75-84 - GLENWOOD AVENUE - DENIED

This was a request for approval to rezone approximately three (3) acres from Residential-6 to Office and Institution-I.

CR-5131 from the Planning Commission recommended that Z-75-84 be denied. Consent Agenda approval: Babb/Keller - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

***S-77-84 - WILLOW RIDGE - APPROVED AS AMENDED AND WITH CONDITIONS ADMINISTRATION TO ACQUIRE ADDITIONAL RIGHT-OF-WAY

This was a request for approval to subdivide 5.6 acres which are currently undeveloped and zoned Residential-6 into 17 lots.

The property is located at the north end of Van Thomas Drive, just west of Catamount Court, inside the City Limits.

CR-5096 from the Planning Commission recommended that this request be denied according to a map entitled, "Willow Ridge," the property of Newton Development Company, drawn by Thompson and Associates, dated April 19, 1984.

Planning Director Chapman explained the subdivision and the Planning Commission's Recommendation for denial. Mr. Congleton indicated he had been meeting with the developers and residents on adjacent tracts and they seem to have come to some resolution. He indicated this subdivision calls for the extension of Van Thomas Drive through to Newton Road with the exception of the last 240 feet which would not be built. Mr. Congleton indicated the concern of the Planning Commission he understands relates to the extension of Van Thomas Road. He indicated the City

does not have control of the last 240 feet of Van Thomas as it hasn't been dedicated at this point. He explained the residents feel if that road doesn't come through the last 240 feet, the traffic from the townhouses will come onto their small residential streets. He indicated while the City can't hold up the subdivision because of this, he feels there is a means for us to move forward, approve the subdivision and get the road constructed. He stated based on that, he would move approval of the sketch plan of the 17 lots which call for the extension of Van Thomas Drive and the extension of Willow Run Drive so that the two connect and in addition the City granted a variance on Van Thomas Drive based on Code Section 10-3004. His motion was seconded by Ms. Babb. Planning Director Chapman explained the variance Mr. Congleton is speaking to relates to the curvature of the streets. He indicated in this particular case, the staff feels that the variance would be acceptable with Mr. Congleton explaining there is no super elevation on the existing street and that is why it is felt the variance would be okay. Mr. Upchurch indicated he had heard that some solution had been worked out on this; however, we have only got a preliminary map, variance etc. and maybe this should be referred to a committee with Mr. Congleton pointing out if this motion passes, he has another motion to make on this item. Mr. Congleton indicated he is equally frustrated with this matter and he had met with staff, neighbors and developers. He stated everyone feels comfortable with the design of the subdivision, but the problem is if the subdivision is put in place and then the extension of Van Thomas Drive doesn't occur, then the traffic would be through the existing subdivision. He indicated his next motion would be to direct Administration to try to get dedication of the last 240 feet so that Van Thomas could be constructed. Other discussion took place as to whether it would be better to put this item in Committee to get all of this worked out and written out prior to voting and whether staff is comfortable with this recommendation, Mr. Congleton amended his motion to add that the motion is contingent upon final review of the subdivision by staff and also upon completion of Van Thomas that the City try to get dedication or condemn the 60-foot right-of-way so that Van Thomas would extend to Newton Road and the City be instructed to construct that portion of Van Thomas under the general street construction policy. This amended motion was accepted by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-222 - SOUTHERN NATIONAL BANK AUTO TELLER - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 108 square foot teller machine building and add two (2) parking spaces on a 2.23 acre tract which is currently developed as a bank and zoned Office and Institution-III.

The property is located on the northeast corner of Falls of the Neuse Road and Quail Ridge Road, inside the City Limits.

CR-5125 from the Planning Commission recommended that this request be approved according to a map entitled, "Southern National Bank - Auto Teller," the property of Southern National Bank, drawn by Polier, Ballard and Associates, PA, dated May 31, 1984, with the condition that the two (2) lots be recombined prior to issuing any City permits.

Mr. Congleton indicated this parcel of land was recently rezoned from Residential-4 to O&I. He stated he voted against that rezoning explaining one of his main problems was that the adjoining residential development is getting the runoff from this property. He question if that runoff has been addressed and if the additional runoff that will be created by the additional paving has been addressed. He questioned if there has been any agreements relative to piping of this runoff. Mr. Chapman indicated piping is shown on the map but he is not aware of any off-site measures that are taking place. Mr. Congleton asked that this matter be referred to Law and Finance Committee. Without objection, the item was so referred.

***REZONING Z-54-84 - EDWARDS MILL ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 52 acres from Residential-4 to Residential-15.

CR-5129 from the Planning Commission recommended that Z-54-84 be approved as amended; that is, that the property contained in Z-54-84 be rezoned to Residential-6 with the exception of the first 50-foot depth from Edwards Mill Road which is recommended to be rezoned to Conservation/Buffer.

Planning Director Chapman explained the Planning Commission's recommendation. Ms. Cates moved approval of the the Planning Commission's recommendation. Her motion was seconded by Mrs. Block. Ms. Babb indicated she had talked with a lot of people about this matter yesterday and earlier today and they had concerns about this case and were opposed to the Planning Commission's recommendation. Therefore, she would request that the matter be referred to Law and Finance Committee. Her motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

SISTER CITY AD HOC COMMITTEE - NO ACTION TAKEN

The City Clerk reported one vacancy and no nominations have been made. No nominations were made; therefore, the item was carried over until the next meeting.

***HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The City Clerk reported two vacancies as Mrs. John T. Rice and L. W. Seegars could not accept reappointment. Ms. John Jadwick has been nominated. Mr. Congleton nominated Chris Laughton. Ms. Cates nominated Francis Whitney. No further action was taken.

***PARKS AND RECREATION ADVISORY BOARD - DR. PHILLIP RAE APPOINTED

The City Clerk reported one vacancy due to the resignation of Barlow Hergett. Nominations include Dr. Phillip Rae, Dot Jordan and Bryant Lindsey. Nominations have been closed.

Ms. Babb indicated she had talked with her nominee, Bryant Lindsey last night. Mr. Lindsey had talked with Dr. Phllip Rae and was very impressed with him and his qualifications to serve on the Board. She indicated in addition it seems that we are at an impasse; therefore, Mr. Bryant had requested that she withdraw his name from nomination and Mr. Lindsey had requested the Council to support Dr. Rae.

Discussion followed on the possibility of expanding the Parks and Recreation Advisory Board with various Council Members indicating the Board does have a lot of work and responsibility. Mrs. Block indicated she had thought of the possibility of letting the Chairman be a nonvoting member and have nine voting members. Mr. Keller indicated the Law and Finance Committee is studying the role of the Parks and Recreation Advisory Board in Committee and he felt it would be best to hold any action at this point. No further action was taken on the item. A ballot vote resulted as follows:

Jordan - 3 (Cates, Walters, Calloway); Rae - 5 (Keller, Babb, Congleton, Upchurch, Block). The Clerk announced the appointment of Dr. Phillip Rae to the Parks and Recreation Advisory Board.

***ARTS COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Raymond W. Dew, Jr. and Bill Bates expire August 5. Nominations include Mr. Dew and Ann Permar. Nominations have not been closed. Mr. Upchurch nominated Bill Bates. Ms. Block nominated Barbara Litwack. No further action was taken.

***BOARD OF ADJUSTMENT - APPOINTMENTS MADE

The City Clerk reported the terms of Harry Massey and David L. Haywood expire August 5, 1984. Neither are eligible for reappointment due to length of service. Nominations include: Johnnie Marie Whitfield Smith, Micou Browne, Mike Johnson, Don d'Ambrosi, J. Henry Brown and A. D. Williams. Nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations close. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows - Smith - 2 (Congleton, Babb); Johnson - 2 (Babb, Congleton) d'Ambrosi - 5 (Block, Cates, Walters, Upchurch, Keller); J. Henry Brown - 1 (Calloway); Williams - 5 (Block, Calloway, Cates, Upchurch, Keller); Micou Browne - 0. The Clerk announced the appointment of Don d'Ambrosi and A.B. Williams to a two-year term on the Board of Adjustment.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Acie L. Ward. David Brownlee has been nominated. Ms. Cates nominated Jessie Cannon. No further action was taken.

***DHIC - NO ACTION TAKEN

The City Clerk reported the term of Shelia Nader expires September 7, 1984. She is not eligible for reappointment due to length of service. No nominations have been made. No nominations were made.

***ELECTRICAL EXAMINING BOARD - ADMINISTRATION TO MAKE RECOMMENDATION

The City Clerk reported the term of Joseph R. Salem expires September 7, 1984. He is not eligible for reappointment due to length of service. This slot must be filled by a professional registered engineer. Mayor Upchurch indicated since there is a specific requirement on this board, he would ask Administration to provide a recommendation. Without objection, the item was referred to Administration.

***FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - NOMINATIONS MADE

The City Clerk reported the term of George M. D. Howard expires September 16, 1984. He is eligible for reappointment. No nominations have been made. Mr. Upchurch nominated Mr. Howard.

***TRANSIT AUTHORITY - NOMINATIONS MADE

The City Clerk reported the term of C. J. Barber expires September 7, 1984. He has served six years and approximately two months. No nominations have been made. Discussion took place as to whether Mr. Barber was eligible for reappointment. Mr. Walters pointed out Mr. Barber is a very close friend of his and has done an excellent job on the Transit Authority. However, in his opinion according to the Council's rules of appointment, Mr. Barber is not eligible for reappointment. Lengthy discussion took place with Mrs. Block offering various suggestions such as waiving the policy and nominating Mr. Barber for a twenty-two month appointment, waiving the policy, appointing Mr. Barber effective today which would allow him to serve two full years which would and he still would not go over the eight years service, etc. The City Attorney explained the appointment policy in detail. Mayor Upchurch indicated without objection we would carry this over until the next meeting. Mr. Walters nominated Gary Hill, 224 North East Street. No further action was taken.

***MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - BETTY HELTON APPOINTED

Mayor Upchurch suggested that Betty Helton be added to the Mayor's Committee on Services to the Handicapped pointing out there is no set number. Without objection, Ms. Helton was added.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

None.

***MS. BABB EXCUSED FROM REMAINDER OF THE MEETING.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***GLENWOOD AVENUE/WOMAN'S CLUB DRIVE AREA - PUBLIC HEARING AUTHORIZED

The Committee recommends removal of this item from the Agenda. The City Council has scheduled a public hearing on July 19 to consider amending the Collector Street Plan element of the Comprehensive Plan to eliminate the proposed extension of Woman's Club Drive to Glenwood Avenue at Toler Place. On behalf of the Committee, Chairperson Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WHITEHALL - FALLS CHURCH ROAD - REMOVED FROM THE AGENDA

The Committee recommends removal of this item from the Agenda with no action. The subdivision, as approved, includes the extension of Falls Church Road to Port Royal Road and the Committee was advised this work would be done by Thanksgiving. On behalf of the Committee, Chairperson Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING APPLICATION - FLOODPLAIN AREAS - TO BE DESIGNATED

Chairperson Block reported the Public Works Committee recommends, as policy, that the applicant be required to designate as Conservation/Buffer the floodplain areas on applications for rezoning. The staff is also to continue notifying the Council when a rezoning request includes floodplain areas. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates.

Mr. Walters indicated he did not feel that this was legal pointing out we can request an applicant to show floodplain areas but we cannot designate them Conservation/Buffer. Ms. Block indicated the idea is that we need to have as much knowledge as possible about the areas up rezoning and the applicant would know the property best and could designate the floodplain areas. Lengthy discussion took place with City Attorney McCormick indicating the motion states that the application would "designate" as Conservation/Buffer, the floodplain area but does not say that it would be rezoned. Lengthy discussion followed after which Ms. Cates made a substitute motion that this matter be referred back to Committee for study. Her substitute motion was seconded by Mr. Walters and put to a vote which resulted as follows: Ayes - Cates, Walters, Upchurch; Noes - Block, Calloway, Congleton, Keller. The Mayor ruled the motion defeated. Ms. Block restated her motion to state that the Public Works Committee recommends, as a policy, that the applicant be required to designate the floodplain areas on applications for rezoning and the staff is also to continue notifying the Council when a rezoning request includes floodplain areas. The restated motion was seconded by Mr. Calloway. After lengthy discussion, Planning Director Chapman indicated if this is the issue he has is that if this is just for information or is leading to a policy of rezoning floodplain property to Conservation/Buffer. He indicated if it is just for

information, he has no problem, but if it is leading to the policy of zoning all floodplain area Conservation, he feels it could be better handled in a different way. The restated motion was put to a vote which resulted as follows: Ayes - Block, Calloway, Cates, Congleton, Keller: Noes - Upchurch, Walters. The Mayor ruled the motion adopted. Ms. Cates suggested that this item be referred back to Committee as she feels additional work needs to be done; however, no action was taken.

***REZONING Z-58-84 - US 70 WEST - REZONED TO O&I-I AND CONSERVATION/ BUFFER; POLICY OF ZONING FLOODPLAIN AREAS CONSERVATION/BUFFER REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Block indicated the Public Works Committee directed the staff to amend this rezoning proposal to show all the floodplain area as Conservation/Buffer. Planning Director Chapman presented a map showing the floodplain area covered by this rezoning application in blue. He explained this involves a tributary of Turkey Creek Branch which runs along the western boundary of the property in question. He stated it only touches the tributary in one small place. He indicated if the Council wishes to apply Conservation/Buffer that the staff would suggest that it be applied only on the west side of the property and be a 50 foot Conservation/Buffer zoning measured from the center line of the stream. He indicated there are some other floodplain areas on the property but they are defined floodplain because of the soil type. He pointed out the Council would still have plan approval if the O&I-I zoning were approved. Mrs. Block moved that the property covered by rezoning application Z-58-84 be rezoned O&I-I with a 50 foot Conservation/Buffer along the western side of the property (to be measured from the center line of the stream). Her motion was seconded by Ms. Cates.

Ms. Cates indicated we must try to respond to some of the problems we have with water quantity in the City. She stated she does not believe the problem is being adequately addressed by the present ordinances and our enforcement of the regulations leave much to be desired. She indicated to say flood insurance takes care of it is not a way to solve the problem. She indicated this recommendation is an attempt to do some preventative maintenance as she feels we have got to have some better tools for storm water management in the City. She stated she would hope that the City would review our floodplain ordinances soon and she would hope that the matter of zoning floodplain property Conservation/Buffer would be studied in Committee as she feels these issues must be addressed. After brief discussion, the motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 373 ZC 141.

ORDINANCE NO. (1984) 373 ZC 141 A

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) US 70 West (Glenwood Avenue), south side, between Duraleigh Road and Raleigh Memorial Park, being portions of Parcels 1 and 184, and Parcels 121 and 156, Tax Map 376, rezoned to Office and Institution-I with a 50' Conservation/Buffer on the west side, according to map on file in the City of Raleigh Planning Department. (Z-58-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, July 3, 1984.

Ms. Cates requested that an item relating to the matter of policy of zoning floodplain areas Conservation/Buffer be left in Committee for further study. Without objection, this was agreed to.

***WATER AR-1010 and SEWER AR-1011 - BODDIE DRIVE - CONFIRMING RESOLUTION ADOPTED

The Committee recommends the adoption of a resolution confirming Water Assessment Roll 1010 and Sewer Assessment Roll 1011 relating to improvements in Boddie Drive. On behalf of the Committee, Chairperson Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 559

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1011 AND WATER ASSESSMENT ROLL 1010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in the Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of

all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 15th day of May, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1984-491 and 1984-490 adopted on the 3rd day of April, 1984, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1011 and Water Assessment Roll 1010," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

***SUBDIVISION S-41-84 - SUNNYBROOK PLACE - DENIED; TWO LOT SUBDIVISION QUESTIONS - NO ACTION TAKEN

The Committee recommends upholding the recommendation of the City Planning Commission to deny this subdivision. In regard to the question of two lot subdivisions, the Committee recommends that there be no change in current requirements. On behalf of the Committee, Chairperson Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Walters indicated he would have to vote against this recommendation as he does not feel that a two lot subdivision should have the same requirements as a big development. Brief discussion took place and the motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

REPORT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY

***RALEIGH-DURHAM AIRPORT AUTHORITY - INFORMATION RECEIVED

Jack Harris, one of Raleigh's representatives on the Airport Authority, was at the meeting pointing out the Airport is in good shape and things are happening and the expansion program is well underway. He introduced the Airport Manager John Brantley.

Mr. Brantley indicated one of the reasons the airport is in such good shape is the very good board members appointed by the four governing bodies. He indicated construction of the new 10,000 foot runway is well underway and when completed will encompass 3,000,000 square feet of pavement pointing out this should be completed late next year. He stated presently there is a 4.5 million cubic yard dirt/earth work going on and this should be completed by the end of this year. He stated the runway probably has most extensive erosion and sedimentation control of any project in Wake County. He stated this is due partly to State and Federal and local regulations as well as an attempt of the Airport Authority not to hurt any adjacent property owners. He explained how impoundment Lake 328 is involved in this erosion control. He stated the Airport Authority is not going to rest and get behind pointing out they are already planning for a subsequent project - a new terminal building. He stated that building should be completed in 1987 or early 1988. He stated the terminal facilities and amenities at that point will be in very good condition. He stated we have to keep the airport facilities in good shape and plan ahead as we have had a 22 percent increase in traffic and are among the leaders in the nation in growth in airport use. He gave statistics on the air travel pointing out it is up over last year and what last year was up over the year before. He stated cargo use is also up about one third and the demand is strong. He stated people create the demand, not the airport. He indicated several airlines have been added and their international service has done very well. He stated general aviation still plays an important role but there has been a marked shift in the character as corporate activities are the primary use of general aviation. He stated financially, the airport is in very good condition and they do not foresee any real prospect of any special levies necessary to pay off the present bonds or any bonds in the future. He indicated just recently 25 baggage carts were installed for the use of the airport patrons and they are being used.

Various Council Members commended the Airport Authority for the good work and planning with Mr. Walters commending the Authority on the action they recently took on the parking fees and expressed appreciation to the Authority for their work.

REPORT AND RECOMMENDATION OF THE RALEIGH HOUSING AUTHORITY

***RALEIGH HOUSING AUTHORITY - AUTHORIZATION TO FILE GRANT APPLICATION - APPROVED

Floyd Carter, Executive Director of the Raleigh Housing Authority, was at the meeting to request the City to grant the Raleigh Housing Authority permission to submit a proposal to HUD to participate in a national demonstration project relating to unemployed low income people. He explained the project would incorporate the use of Section 8 Certificates in helping people gain employment. He indicated they feel that this program would work well in Raleigh pointing out we have over 46,000 names on the waiting list. He pointed out 3,000 of these involved single parent families. He stated they would like to apply for 150 Section 8 Certificates for this program. In response to questioning he indicating the Housing Authority's role would be to administer certificates to the family and coordinate the social services. He stated there would be 5,000 certificates nationwide and he feels there will be some 30 to 50 proposals; however, he feels the City of Raleigh would have a good chance of getting their proposal approved. Mr. Congleton indicated this is an excellent program pointing out the process we are talking about involves public/private partnership and he feels the City Council should encourage the Housing Authority to move posthaste with this application. In response to questioning, Mr. Carter indicated there is a limit of 200 certificates to be grated per city but they felt that 150 is as many as the Housing Authority could handle effectively at this point. He pointed out this would involve some $700,000 per year and later would involve the appointment of a task force by the City Council if the Raleigh proposal is approved. Ms. Block moved that the Council grant permission for the Raleigh Housing Authority to file the proposal. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PERSONNEL - ROD BUTLER RECOGNIZED

Mayor Upchurch recognized Public Utilities Director Rod Butler pointing out the City has received Mr. Butler's letter of resignation. He indicated as Mayor he would like to publically express appreciation to Mr. Butler for the many years of hard work he has given to the City of Raleigh. He indicated there have been some ups and downs and struggles, etc. but Mr. Butler's ability to stick with the plan has been an asset to the City. He indicated everyone is sorry to see Mr. Butler leave and it is hoped that he will remain in town pointing out he would like to personally invite Mr. Butler to the dedication of the facilities that are ongoing at this point. Various Council Members expressed appreciation to Mr. Butler for his service over the past years and wished him well.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***WASTEWATER TREATMENT PLANT - LEASE PURCHASE OF AERATION EQUIPMENT - SOUTHERN NATIONAL LEASE INCORPORATION - APPROVED

One of the elements in the 1984-85 Capital Improvements Program is the acquisition of aeration equipment for the Wastewater Treatment Plant. This is part of the requirement to take the plant to a 40 MGD capacity and replace aeration units which are rapidly becoming inadequate and worn out. This program involves a lease which would provide $4.4 million for a term of seven years after construction.

Accordingly, the City has solicited proposals for a lease/purchase contract. The proposals have been received and reviewed and the low quoted interest rate is recommended for acceptance. Because the final contract language has not been concluded and additional time for consideration of that is necessary and since the interest rate needs to be confirmed before July 15, in order to bind it, Council approval of the low bid lease/purchase proposal from Southern National Leasing Corporation of Charlotte be given subject only to the satisfactory completion of a legal contract document concurred in by the Local Government Commission, the leasing corporation, and the City.

Recommendation: That the lease/purchase proposal of Southern National Leasing Corporation be awarded and the 8.85 percent interest rate be accepted.

This interest rate is less than the recently bid GO bond issue at 8.89 percent which we felt was outstanding at the time. Therefore, the terms of the proposal should be considered to be quite favorable to the City.

City Manager Benton explained the proposal after which Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET BOND REFERENDUM BALLOT QUESTION - COUNCIL CONCURS AS AMENDED

Administration is proceeding to have the question of a Street Bond Referendum prepared for submission to the Wake County Board of Elections for inclusion on its November 1984 ballot. The question is required by July 16, 1984, and it would be

appropriate for Council to concur in that action. The question will be on $20,000,000 Street Bonds to finance the construction or reconstruction of public streets including contemporaneous construction or reconstruction of sidewalks, curbs, gutters, or drains in said streets and the grading thereof and acquisition of land or rights in land required, therefore, within and without the City.

Recommendation: Administration recommends that Council concur in this action.

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Congleton. Ms. Cates indicated everyone received a letter from Rod Swink of the Appearance Commission outlining their concerns that we should include landscaping in this proposal. Mr. Upchurch indicated he saw no problem with that; therefore, by general consensus it was agreed to amend the wording on the bond question as follows: "...or drains in said streets and the grading and landscaping thereof..."

Ms. Block indicated the question also refers to streets within and without the City and questioned why we should include "without" the City. City Manager Benton indicated some of the projects may have boundaries outside the City Limits. He indicated the City did get enabling legislation that would allow the City to do the work outside the City Limits and this wording would also allow us to address the street problems that have limits in and outside the City. Mrs. Block indicated she would preferred that it be in the City only. Ms. Block made a substitute motion that the ballot question be amended to delete the word "without." Her substitute motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the negative except Ms. Cates and Ms. Block who voted in the positive. The Mayor ruled the motion defeated. The original motion with the amendment was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

***RENTAL REHABILITATION PROGRAM - AUTHORIZED FOR SUBMISSION TO HUD

On June 19, 1984, the Council held a public hearing on this new program which is oriented toward upgrading the rental housing. Administration has prepared a proposed program which must be submitted to HUD for approval. Included in Council Members' Agenda packet is a summary of the proposed program description. Administration is still working with the HUD office to ascertain if they will concur and a report will be made at the Council Meeting.

Recommendation: It is recommended that Council approve the program description for submittal to HUD. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***APEX SANITARY SEWER ALLOCATION - AMENDMENT APPROVED

City Manager Benton indicated for the past several months, Administration has been discussing Apex's sewer allocation with representatives of Apex. He explained the present allocation and the 201 Planning Concept. He also explained problems Apex has been having with average flow and peak flow and secondary concern relating to the capacity of the Walnut Creek Interceptor. He indicated the Town of Cary will be putting their Waste Treatment Plan into operation shortly and the Town of Apex has appropriated some $135,000 to work on their problem relating to inflow and infiltration. He stated at this point, it is recommended that the flow limit for Apex be increased to 800,000 gallons per day when the contract for this work on infiltration is awarded with the understanding that it will be increased to 900,000 gallons per day when the Sewer Rehabilitation Project equalling to $135,000 is completed.

Discussion took place as to how many gallons will be taken out of Walnut Creek when Cary gets completely on line, the agreements between Cary and Apex relating to possible overload problems and the fact that Cary will reduce their discharge into Walnut Creek if this occurred. The fact that the safeguards are included in the agreement and have been agreed to Cary's commitment to help paralleling Walnut Creek under certain conditions and the 201 Planning effort in general. Mr. Congleton moved approval of the Manager's recommendation. His motion was seconded by Ms. Cates and put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***MID-SOUTH CONSTRUCTION COMPANY RETAINAGE FEE REDUCTION - APPROVED

On May 1, 1984, Council approved a reduction in retainage fees for contractors on the Municipal Building from ten percent to five percent, except for the general contractor which was reduced to seven percent. Based on the work performed to date, the architect recommends the reduction of the retainage for Mid-South Construction Company from seven percent to five percent. Such action, if approved, would continue to allow the City to retain $180,691.63 until all work is complete.

Recommendation:

It is recommended that the contract retainage for Mid-South Construction Company be reduced to five percent.

Mr. Congleton questioned if there are any efforts to try to correct the wallpaper situation whereby the bricks show through the wallpaper. City Manager Benton indicated the architect has directed the contractor to proceed with this correction work. Mr. Congleton moved that Administration's recommendation to reduce the retainage be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously.

***MILLBROOK POOL - DESIGN SERVICES - AWARDED TO WANG ENGINEERING - FUNDS APPROPRIATED

On June 19, Council approved retention of Wang Engineering to provide design services for this pool subject to Administration negotiating a contract and submitting it to the Council.

City Manager Benton indicated that Administration has negotiated a flat fee of $70,000 for design service for an estimated contract cost of $666,400 with the understanding if the contract goes higher than that the fee would be 10.5 percent of the actual construction cost. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Congleton.

Ms. Block indicated she still has problems with the City continuing to award contracts for pools and were having a number of problems with the ones we have already constructed. She indicated she had asked Administration several times why the wading pools were closed at Ridge Road and Biltmore Hills. She indicated we have made many mistakes on the past pools and she feels that we should evaluate them before building another pool. Discussion took place on whether we have accepted the pool at Ridge Road and the fact that the one-year warranty period has just started. City Manager Benton indicated he is reviewing the problem with the wading pools but he just became aware of the problem himself recently. He stated Council Members would receive a report. With those comments, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 372 TF 1

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-4020-0100	Salaries-Services	$24,829.00
To	01-2-4010-0100	Salaries	24,829.00

Purpose: Police personnel realignment.

From	01-2-1040-0001	General Fund Contingency	$4,314.00
To	01-2-4020-0100	Salaries-Services	4,314.00

Purpose: Police personnel realignment.

From	84-2-1210-0302	$ 808.00
To	84-2-1210-0000	$ 808.00

Purpose: Contract Change Order - Shelley Road Booster Pumping Station - J. W. Campbell Electrical Corporation, #1.

From	34-2-3806-0100	Municipal Building Complex	$3,500.00
To	34-2-2805-0101	Municipal Building Renovation	$3,500.00

Purpose: Contract Change Order - Municipal Building - Mid-South Construction Company, G-9.

From	34-2-3805-0102	Municipal Block "B"	$1,876.89
To	34-2-3805-0110	Municipal Building Open Office	$1,876.89

Purpose: Change Order - Municipal Building - Alfred Williams and Company, OOP-2.

From	43-2-3020-0001	Acquisition	$15,000.00
To	43-2-3022-0001	Property Maint.	15,000.00

Purpose: Providing sufficient funds to maintain all CD acquired properties for fiscal year 84-85.

From	84-2-1401-0000	North Area Lines	$100,465.17
	84-2-1650-0000	Raw Water Main	$117,437.17
	84-2-1650-0102	Raw Water Main-Eng.	$188,804.85
	84-2-1210-0000	North Hills Pumping	$ 76,038.21
	84-2-1210-0102	North Hills Pump-Eng.	$ 90,000.00
To	84-2-1408-0101	WS 1984-1, N. Atlantic	$571,745.40
	84-2-1408-0104	Misc.	$ 1,000.00

Purpose: Cover the award of City Contract WS-1984-1.

From	01-2-1040-0001	Contingency	$ 500.00
To	01-2-1040-0304	Shuttle/WRAL/400th	500.00

Purpose: To provide funds for shuttle service, WRAL 400th Anniversary Celebration.

From	38-2-2040-0100	Millbrook Exchange Pool	$ 80,600.00
To	38-2-2040-0102	Millbrook Exchange Pool B	70,800.00
To	38-2-2040-0104	Millbrook Exchange Pool D	9,800.00

Purpose: Establish account for engineering fees to include management fee of 10% on site survey, sub-surface, soil, and material testing and to establish account for miscellaneous expenses.

Adopted: 7/3/84

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

***MUNICIPAL BUILDING DEDICATION - REFERRED TO THE NEW MUNICIPAL BUILDING COMMITTEE

Mayor Upchurch indicated he would suggest referring to the Municipal Building Committee the possibility of the dedication of the Municipal Building on September 16. He indicated that is a Sunday and by that time the parking deck would be completed. He has several ideas relative to the dedication he would like to pass along. Without objection, the item was referred to the New Municipal Building Committee.

***LOVE FEAST - INFORMATION RECEIVED

Mayor Upchurch indicated Council Members received an invitation from NCSU for a love feast at the Facility Club on July 12, 1984, at 11:45 a.m. He indicated everyone is pleased with everything that has taken place in West Raleigh and this is just a meeting to talk about the various things that are taking place.

***REQUEST AND PETITIONS OF CITIZENS - PERSONS ADDED

Mr. Walters indicated as a point of personal privilege, he would like to request that Henry Craig and Jack Murdock be allowed to speak under Request and Petitions of Citizens during the night portion of the Agenda to talk about a soil erosion problem in the Longview Garden area. Without objection, it was agreed to add these two people.

***CARDINALS GIBBONS SCHOOL - PLAN APPROVAL PROCESS - TO BE EXPEDITED

Mr. Walters indicated Mr. Holliway Reeves is doing some work relating to Cardinal Gibbons School. He indicated they were caught in the O&I-I plan approval revision. He stated in his opinion, the Council rushed a bit in implementing the plan approval for O&I-I. He indicated this firm has been working on this project since last winter and were ready to move forward and were not aware that O&I-I now requires plan approval. He indicated they are trying to get the work done prior to the start of school and by having to stop and go through the plan approval it would be some time in late August before it even got to Council. Brief discussion took place and by general consensus, Administration was asked to do whatever they could to help expedite this plan approval process.

***MUNICIPAL BUILDING SNACKBAR - COMMENTS RECEIVED

Mr. Walters indicated he would hope the City Manager would remove, as soon as possible, the unsightly snackbar on the first floor of the New Municipal Building indicating tomorrow, if possible, would be okay. The item was received without comment.

***PLANNING COMMISSION - MR. WALTERS - TO BE REPLACED AS LIAISON MEMBER.

Mr. Walters indicated he has just recently been picked to serve on the Grand Jury next year. He stated because of this, he would not be able to attend the Planning Commission Meetings; therefore, he would ask the Mayor to replace him as City Council liaison on the Planning Commission.

***FINANCE DEPARTMENT - COMMENDED

Ms. Cates expressed appreciation to the Finance Department for the development of the notice that meter readers can give to person when they see an unusual reading. She stated she thought this was good information and is very helpful. The comments were received.

***ARTS PROGRAM - ADMINISTRATION TO DRAFT RFP

Mrs. Cates expressed appreciation for information Council recently received relative to the Arts Program in the City of Raleigh pointing out currently the

City is funding Arts Program to the tune of $1,346,000. She stated she feels that points out the need for the Arts Program and she would urge that this item be placed on the next Work Session Agenda and in the interim that the staff and the Arts Commission be directed to draft an RFP for a consultant so that the Council would have something to review at the work session. Without objection, this was agreed to.

***AIR QUALITY - COMMENTS RECEIVED

Mrs. Cates indicated she was very interested in the Department of Transportation's report on air quality monitoring and she would like information on what the City Council's role is in this program. City Manager Benton indicated we have a very uncertain role at this time. He indicated in prior years there was a single monitor on Wilmington Street but pointed out in the past year we have been working with this State as to who has this responsibility. He briefly explained work that is ongoing with Mrs. Cates indicating what she is hearing Mr. Benton say is that Administration is staying on top of it and the Council would be advised when steps are necessary.

***400th ANNIVERSARY - WRAL EVENT ANNOUNCED - FUNDS APPROPRIATED

Mr. Calloway indicated all Council Members are invited to attend an event at the WRAL TV Gardens on July 11 at 6 p.m. in connection with the 400th anniversary. He indicated the Honorable Mayor of Plymouth and others will be at this event. He stated the City Council and WRAL is hosting this event and the City will be providing shrubs, flowers, chairs, etc. He indicated our Mayor will receive the Lord Mayor of Plymouth. He stated the evening will be characterized with minimum formality and Council Members are invited to attend, pointing out it is reasonably casual dress and the events will include music, fiddling, pigpicking, etc.

Later in the meeting, Mayor Upchurch indicated it will be necessary to provide a short shuttle service between NCSU Campus and WRAL. He stated he did not know how much this would cost; however, he would suggest that the Council appropriate $500 from Council contingency to provide this shuttle service. By unanimous roll call vote, the Council agreed to make this appropriation. See Ordinance 372 TF1.

***TRAFFIC - LOADING ZONES IN THE 400 BLOCK OF SOUTH PERSON STREET - REFERRED TO ADMINISTRATION

Mr. Calloway asked Administration to look at a problem relating to loading zones in the 400 block of South Person Street, west side. He indicated there is a small barber shop located in this block and the owner has said that his customers have problems getting in and out because of so much use of the loading zones. Without objection, Administration was asked to look at the problem.

***LAKE JOHNSON - GATES - REFERRED TO ADMINISTRATION

Mrs. Block indicated Lake Johnson parking lot has gates; however, they are never closed. She indicated she had received complaints from the neighborhood relative to undesirables in the parking lot and asked Administration to look into having the gates closed at night. Without objection, the item was referred to Administration.

***COUNCIL OF GOVERNMENT - ENVIRONMENTAL CONSTRUCTION AWARD - ADMINISTRATION TO NOMINATE RALEIGH MUNICIPAL BUILDING

Mrs. Block indicated at a recent COG Meeting, there was discussion about an award to be presented relating to construction in the area that addressed the environmental quality areas such as solar heat, etc. She indicated she would like for Administration to prepare a nomination for the Raleigh Municipal Building for this award pointing out she is very proud of the Raleigh Municipal Building and feels that it should be in contention. Without objection, the item was referred to Administration to investigate and submit a nomination.

***ITINERANT MERCHANTS - ADMINISTRATION TO CHECK

Mrs. Block indicated over the past several weekends, a number of itinerant merchants have appeared at the intersection of Kent and Western Boulevard. She indicated the Revenue Collector has checked into this. She stated what she is thinking about and would ask the City Manager to concern himself with is the possibility of police cars who are driving all over town all the time, stopping by to check to determine if proper licenses have been secured when they see this type merchant. She indicated maybe the police could just check to see if they have a license and if they do not refer them to the proper officials. City Manager Benton indicated some of these itinerant merchants are operating within the confines of the law like the one out on Glenwood Avenue. Brief discussion took place and the matter was referred to Administration.

***RECYCLED TRASH - ADMINISTRATION TO PROVIDE A REPORT

Mrs. Block indicated she understood the recycling program was phased out effective June 30, pointing out Council Members have received a report that this program was not economical feasible. She stated however she would like to refer this back to

Administration to see if there are not some areas that it would be feasible to operate this program. She indicated she knew that there were several areas particularly ones in her neighborhood where the response is very good. City Manager Benton indicated the program is not covered in the 84-85 Budget. He indicated there maybe ways that the City could handle those areas that the response was good to the program. Administration was asked to provide a report.

***CITY COUNCIL PHOTOS - COUNCIL MEMBERS REMINDED

Mr. Walters reminded Council Members to schedule a setting for their City Council photo pointing out the Council wanted them complete and ready to hang by the dedication of the Municipal Building.

***REZONING APPLICATIONS - COMMENTS RECEIVED

Mr. Walters indicated the CAC's received copies of the rezoning applications approximately one month prior to the public hearing. He stated evidently some of the CAC's were urging people to start calling their City Council Member about these cases. He indicated Council Members do not receive information on the cases until a few days prior to the public hearing and he feels that it is a little premature for the CAC's to be advising their people to start calling the Council. He stated the date of the Public Hearing, he feels is early enough. The comments were received.

***TRAFFIC - TWIN FORKS OFFICE PARK - ADMINISTRATION TO GIVE A REPORT

Mr. Congleton indicated the State is doing some work at the intersections of Sandy Forks, Lynn and Six Forks Road. He indicated evidently traffic is cutting through the Twin Forks Office Park to avoid the construction. He indicated it was his understanding that this project would take about six weeks. He asked Administration to check into traffic cutting through the Office Park and for a status report on the completion date. Without objection, the item was referred to Administration.

***TRAFFIC - HILLSBOROUGH - BOYLAN AVENUE - REFERRED TO ADMINISTRATION

Mr. Congleton asked Administration to look at the possibility of improving the channelization of Boylan Avenue as it crosses Hillsborough Street. He indicated with the turning traffic and the jog in the street, it is hard for people to determine how to get across and he was wondering if it would be possible to show the lanes of Boylan crossing Hillsborough. Without objection, the item was referred to Administration.

***LIMITED HOME BUSINESS - ENFORCEMENT - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated he knows of two situations where a limited home business is operating outside of the law. He indicated the people operating these admitted they knew they were in violation of the law but there seems to be no way to enforce the limited home business regulations. He indicated he would like to refer 10-2024(e) to a Committee to look at the wording and improve enforcement. He indicated he knows of one situation where they have a full time Secretary, two trucks, etc. but it still operates under a limited home business permit. He stated he requested that the item be referred to Law and Finance Committee to study and see if something couldn't be done to improve the wording to help the enforcement. Without objection, the item was referred to Law and Finance Committee.

***CABLEVISION - COMPLAINTS - ADMINISTRATION TO PROVIDE REPORT

Mr. Congleton indicated he had received numerous phone calls relative to Cablevision. He indicated in the North Raleigh area, Cablevision was out for almost a week and people tried calling the repair number and could not get through; that is, could not get an answer or the repair number was busy. He indicated one person even went by the office on a Sunday when he kept getting busy signals and there was no one but a janitor on the premises. He indicated he would like some information as to how many lines Cablevision has for repair, questions, etc., and what procedure they have for handling the complaints. Mayor Upchurch indicated the power company and the telephone company are able to respond to requests and he feels that the Cable company should also. Without objection, the item was referred to Administration.

***UNSAFE BUILDING - 15 MAIDEN LANE - ADMINISTRATION TO PURSUE

Mr. Keller indicated Housing Inspections Supervisor Bartholomew has been working with an unsafe building at 15 Maiden Lane. He indicated he would like for Mr. Bartholomew and Administration to keep pressing on this item. Without objection, the item was referred to Administration.

***FOUR HUNDREDTH ANNIVERSARY CELEBRATION - JOHN WHITE EXHIBIT - REFERRED TO THE DOWNTOWN ADVISORY COMMITTEE

Mayor Upchurch indicted he understands the John White Exhibit will be in Raleigh in October. He indicated he would like to ask the Downtown Advisory Committee to coordinate the exhibit. Ms. Cates pointed out the matter relating to the 400th

Anniversary is in Intergovernmental Committee and questioned if the Mayor was taking it out of that. Discussion took place as to what was in the Intergovernmental Committee with Mayor Upchurch indicating the Intergovernmental Committee is looking at the planning effort between the City, County, etc. for the 400th Anniversary Celebration and what he was thinking about is letting the Downtown Advisory Committee coordinate the John White Exhibit. Without further discussion this was agreed to.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - JUNE 19, 1984 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the June 19, 1984 Council Meeting in their Agenda packets. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet three resolutions relating to tax rebates and/or refunds. Adoption of the resolutions is recommended. Council Members will also receive a listing as submitted by the Wake County Tax Supervisor of refunds made during the month of April relating to clerical error purposes. It is recommended that the listing be adopted. Mr. Keller moved approval of the resolutions as presented as well as the listing. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolutions 560, 561 and 562.

RESOLUTION NO. (1984)-560

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N.C. General Statutes 105-278.3, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1984	Hayes Barton United Methodist Church	$116,300	Approved
1984	Poplar Springs United Church of Christ	$ 52,870	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 7/3/84

RESOLUTION NO. (1984)-561

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Michael P. Callahan	07-2-5257944	$ 7,360	Relieved
1984	Henry Howell Ehrenhaft	01-2-5241438	7,090	Relieved
1984	Electricities of N.C., Inc.	17-1-5266916	288,675	Relieved
1984	I. Wilbur George	01-2-0024792	1,716	Relieved
1984	James W. & Ann C. Marco	01-2-0049491	4,073	Relieved
1984	Lucile H. Nicholson	01-5-0050843	2,586	Relieved
1984	Herbert & Carla C. Singer	07-2-5858102	11,340	Relieved
1984	Curtis T. & Beulah L. Smith	01-2-0064801	1,824	Relieved

Section 2. That the following requests be denied:

YEAR	TAXPAYER	AMOUNT
1984	AT&T Southeast, Inc.	$ 63,815
1984	East Carolina Dist. Co.	192,317
1984	Threadbenders, Ltd.	50,468
1984	Charles T. Watkins	50,682
1984	C. F. Watkins, Jr., Inc.	60,908

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 7/3/84

RESOLUTION NO. (1984)-562

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, The proper tax authority of the City of RAleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Clos, John P. & Anita S.	01-2-0013593	$101.56	Error-Illegal Bill
1983	Dove, Walter E. & Joyce G.	01-2-0021883	19.00	Error-Illegal Bill
1983	Jackman, Susan Taylor	01-2-5419696	5.59	Error-Illegal Bill
1983	Jackman, John Philip	01-2-5419695	24.03	Error-Illegal Bill
1983	Pearce, Carlos Neil	13-8-5431072	69.18	Error-Illegal Bill
1982	Reid, Milton Ray	01-2-5854918	51.60	Error-Illegal Bill
1983	Roschman, John A.	01-1-5221442	980.64	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries theron that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 7/3/84

HYMETTUS WOODS PARK PROPERTY - RESOLUTION AUTHORIZING EXCHANGE - ADOPTED AS AMENDED

During the June 5, 1984, Council Meeting, the City Council authorized a land swap relating to Hymettus Woods Park property. The appropriate advertising has occurred, and it would be appropriate to adopt a resolution authorizing the exchange.

Ms. Cates indicated she had had many concerns expressed over the entrance and the parking lot relating to this project; therefore, she would move that the City Council authorize the exchange of property in and around Hymettus Woods Park as advertised except that the City reserve the right to require a monetary payment of comparable value as estimated by the City's Chief Engineer in lieu of construction of the parking lot. She indicated she wanted an opportunity to see the site plan for the park before any construction takes place. She indicated this is not to say that the parking lot will not be built, she just wants an opportunity to look at it. She stated she wanted to know where the the driveway is going, have some citizens review of this plan, etc. She stated her motion would not hold up the Browne development. City Attorney McCormick indicated he feels that all Ms. Cates' motion would do is to assure that the City would get adequate compensation if the City decided it did not want to build the parking lot that Ms. Cates is just saying that we will receive equal value whether it be a parking lot or money.

Mayor Upchurch indicated he had received only one call that related to the parking lot and discussion took place as to where the parking lot would be constructed. Mr. Walters stated he would have to vote against the motion as he feels that the City structured a deal on this property exchange and he does not feel it could be changed without the consent of the other people involved. City Attorney McCormick indicated even if this motion passes, and the other party doesn't like the motion then they do not have to enter into the deal. Lengthy discussion took place after which it was agreed to hold this item until the night portion of the meeting.

During the night portion of the meeting, Ms. Cates restated her motion pointing out this would allow the City to move forward with the development plans of the Hymettus Court and would allow her an opportunity to get back with the citizens involved pointing out there are two CAC's who have been watching this very carefully and allow the citizens to review the plan. Her motion was seconded by Mrs. Block and put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984)-566

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH AND CONSTITUTING A PORTION OF HYMETTUS WOODS PARK.

WHEREAS, the City of Raleigh is empowered by G.S. 160A-271 to make exchanges of City-owned property in return for property or other consideration of equal value; and

WHEREAS, the City of Raleigh owns a parcel of land known as Hymettus Woods Park, located at the northwest corner of the intersection of Wade Avenue and Dixie Trail; and

WHEREAS, the City has received an offer of exchange for the property whereby Owens Hand Browne has offered to give the City 2.18 acres of land adjoining the park plus 250 lineal feet of split rail fence plus a paved access road and a paved eight car parking lot (or cash equivalent) in exchange for 1.06 acres of the existing Hymettus Woods Park; and

WHEREAS, after due deliberation, the City Council has concluded that the tendered offer is fair and equitable and constitutes consideration in equal value to the property being exchanged by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

The City of Raleigh hereby authorizes the exchange of properties outlined above and illustrated on a map on file in the City of Raleigh Parks and Recreation Department and finds that the exchange constitutes full and fair consideration as contemplated by G.S. 160A-271.

Adopted: 7/3/84

***ANNEXATION - LAKE WHEELER ROAD - CLERK TO CHECK SUFFICIENCY AND SCHEDULE PUBLIC HEARING

A petition has been received for the contiguous annexation of approximately thirty acres of property in the vicinity of Lake Wheeler Road. The property is owned by C, D and S and the First United Pentecostal Church. The next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. Brief discussion took place after which Mr. Keller moved that the Clerk be directed to check the sufficiency of the petition and schedule a public hearing if the petition is found sufficient. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 3:45 p.m. to be reconvened at 7 p.m.

Gail G. Smith
City Clerk

dg/CC J

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, July 3, 1984 at 7:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch Presiding,
Ms. Babb, absent and excused
Ms. Block
Ms. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following matters were discussed with action taken as shown.

***RACE - WITHDRAWN

Butch Robinson had requested permission to address the Council relative to a 10-K race course scheduled for November 18, which is being sponsored by The News and Observer. The City Clerk reported that Mr. Robinson had asked that the matter be withdrawn from this Agenda and he would schedule it at a later date. Without objection, the item was withdrawn.

***UTILITY FEES - 206 DARTMOUTH ROAD - COMPROMISE APPROVED

A. W. Moore, III was at the meeting representing his mother-in-law, Helen F. Ringrose of 206 Dartmouth Road. He indicated in approximately 1973, his mother-in-law, on July 4, requested that she be hooked on to the City water system on an emergency basis. He indicated that occurred and the next day she come down to City Hall to get the fees straightened out. He stated however after four trips she could not get this cleared up pointing out the City had no record of the meter being installed and nobody knew what her charges were. He stated he recently found out about this matter and come down to City Hall and is now being told that his mother-in-law will have to pay the fees that are currently in affect; that is, the current acreage fees and tap-on fees. He stated he feels that the City shares some responsibility in this matter as his mother-in-law could not get a proper bill, etc. He stated what he is suggesting is the possibility of his mother-in-law paying the acreage and tap-on fees that were in affect at the time the service was actually installed to her house.

City Manager Benton indicated apparently there was an emergency at 206 Dartmouth Road and the City went out and made an emergency connection and did not do the follow-up paperwork properly. He explained the information he has indicates that if we use the current rates that the tap-on fee would be $778 and the acreage fee $375. He stated we do have a two-year policy on collection of fees pointing out the City only goes back two years and if that were the case, the utility bill based on an average cost would be $186.66. He indicated in total that means that the current payment due would be $1,348.60. He stated Administration doesn't have the flexibility to vary this. He explained it is difficult to determine the applicable rate as no one knows exactly when the tap-on occurred. Mr. Walters indicated if we cannot go back over two years on the water charge then he doesn't feel that we should go any further on the acreage fees. City Manager Benton indicated as he understands it they have had sewer since sewer was installed on the street. Lengthy discussion took place with Mr. Moore pointing out his mother-in-law made four separate trips trying to get this straight and no one had any record that she had water at her residence. Discussion took place with it being pointed out that she has had water for approximately twelve years but has not paid any charges for the water nor has she paid the tap-on or acreage fees. The average water bill was discussed and the fact that she had been paying the sewer only charge all of these years. After other discussion, Mr. Walters moved that the City offer a compromise of accepting the acreage and tap-on fees that were in effect two years ago and also accept the average water bill for a two-year period for this resident in settlement of the fees and allow Mrs. Ringrose to pay this over a twelve month period. His motion was seconded by Mr. Keller and put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted.

***FAYETTEVILLE STREET MALL - CHRISTMAS CELEBRATION - WAIVER OF FEE

Joann Williford, representing the State Capitol and Merchants Bureau was at the meeting to request waiver of the user's fee for the Christmas celebration on the mall scheduled for December 12, 1984.

It was pointed out that this request has been granted for several years and the City has no objection. Mr. Calloway moved approval of the waiver of the fee as requested. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***UNSAFE BUILDING - DEMOLITION COST - O'KELLY STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Margaret Rose Murray, 608 Royal Street, was at the meeting to appeal the former Council's decision relative to the demolition cost for an unsafe building on O'Kelly Street. Ms. Murray indicated this property belonged to Mary Eleanor Wilder and at the time the building was demolished she did not receive proper notification and at that time was also incarcerated. She indicated the people in the community were concerned about the condition of the property and they understood that the property was to be cleaned up and renovated. She stated she was at the meeting to ask the Council to reconsider this matter and while she would like for the Council to waive the total cost, if that is not possible she is asking for waiver of the penalty and interest involved. She indicated in her opinion the decision of the former City Council was hasty and possibly politically motivated. Lengthy discussion took place on the cost involved, the legal fees, etc. Housing Inspection Supervisor Bartholomew indicated the City did go through the legal procedure and the former owner did appear before the City Council requesting an extension of time in getting the building renovated. He explained the Council did give her additional time but the building was never renovated; therefore, after five certified return receipt letters were sent, the building was demolished and the former owner came to the City Council relating to the cost of demolition. He indicated due process was followed.

It was pointed out there were a number of assessments involved relating to water, sewer and street improvements as well as the demolition. Mrs. Murray indicated the attorney involved, Clyde Holt, had indicated to her that he was willing to adjust his fee. Mayor Upchurch indicated as he remembered this case, when Mrs. Murray obtained the property and had the title search, her attorney failed to pick up the lien. City Manager Benton indicated when the Council heard this before, they did give Mrs. Murray additional time to pay the charges; however, they have not been paid. Mrs. Murray indicated this wasn't acceptable pointing out they had set aside a certain amount of money to pay for the lien and that did not include the interest and the penalty. She stated they have the money set aside to pay off all the liens with the exception of the penalty and interest. After other discussion by general consensus, the item was referred to Law and Finance Committee.

***ENCROACHMENT - 207 - 209 FAYETTEVILLE STREET MALL - REFERRED TO LAW AND FINANCE COMMITTEE

A representative of TS&H was at the meeting to request an encroachment agreement relative to 207-209 Fayetteville Street Mall. She indicated this is a 2-foot encroachment into the Mall and City officials have received the plans and are familiar with the request. City Manager Benton indicated the City did receive a set of plans yesterday and the City Administration does have some problems with such a large encroachment into the Mall area. He stated this is a request for a 2-foot encroachment explaining most of the encroachments onto the Mall are several inches. After brief discussion, by general consensus, the matter was referred to Law and Finance Committee.

***STREET CLOSING - McDONALD LANE - CLOSED TEMPORARILY; FEE WAIVED

Charles Case, representing White Memorial Presbyterian Church, was at the meeting to request permission to temporarily close McDonald Lane, between Oberlin Road and Colonial Road on Sunday, August 19, for a block party and also request waiver of the $50 filing fee due to the charitable nature of the organization involved. City Manager Benton indicated this has been done several times before and has never created any problem. He explained City Administration has no objections as long as the church will provide the barricades and the marshals as they have in the past. Ms. Cates moved approval of the request with the conditions outlined by the Manager. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SIDEWALK IMPROVEMENTS - DIXIE TRAIL - REFERRED TO THE PUBLIC WORKS COMMITTEE

Arthur Eckels, 1417 Bellwood Drive, indicated sidewalks now extend the full length of Dixie Trail from Hillsborough Street to Lake Boone Trail except for the length from Wade Avenue to Churchill Road. He indicated a lot of development has taken place in this area and this is the request that the Council take steps to correct the deficiency of sidewalks in the area between Wade Avenue and Churchill Road. He indicated he was asking that sidewalks be installed on the west side of Dixie Trail in this area. He presented a map showing where sidewalks are located in the area now explaining the sidewalks would serve as a safe pedestrian access to Hymettus Woods connecting with the existing sidewalks from the north, south, east and west pointing out this section of Dixie Trail north of Wade Avenue is particularly hazardous for pedestrians. He pointed out the City provides adequate parking for Hymettus Woods on Mitchell and Grant Avenue and if sidewalks were here there would be no need for a parking lot at the park. He stated there are four rather skimpy traffic lanes and a blind curve at the Ferguson property which make pedestrians especially vulnerable. He explained there are steep banks and dense plantings down to the curb which leaves no safe refuge from the traffic. He pointed out attention has been called to the maple trees on the Ferguson property that provide a fine display each autumn and these have been used as an excuse not

to construct the walks. He stated there is no need for the trees and sidewalks to complete for the same space as the City can have both by approving a deviation of the sidewalk policy. He explained proceeding south on Dixie Trail from the drive marked 1213 Dixie Trail the lawn behind the shrubs and maples trees is terraced nicely to accept a sidewalk. Further south at the curb some fill would be required. He stated with the proper use of drain tile, the trees in that section would not be threatened and the sidewalk could then return to standard curb setback where Beaver Dam Branch passes under Dixie Trail. He stated the sidewalk would not interfere with the privacy the Fergusons enjoy and this deviation is the same kind of solution that was used when providing sidewalks along Wade Avenue fronting on Jaycee Park property. He explained the section of the sidewalk from Wade Avenue to Beaver Dam Branch fronts on Hymettus Woods and hopefully the City Administration is already acting on this section as requested during the June 5, 1984, Council session and pointing out the balance of the requested sidewalk addition fronts on private lands.

Ms. Cates questioned if the City owns sufficient right-of-way on the west side of Dixie Trail in order to install sidewalks. Chief Engineer Thomas indicated the City has some right-of-way but when we built the street, the street was shifted to miss the sugar maple trees. He stated he did not feel that we have enough right-of-way to miss the trees and still install a sidewalk. He indicated if the Fergusons would give an easement then there would be no problem. Ms. Cates indicated with all the joggers and walkers in this area, she feels that the sidewalk is needed. Therefore, she would ask that Administration draw a design that could be used to install sidewalks and at the same time save the maple trees and refer this item to Public Works Committee for consideration. Without objection, the item was so referred.

***BUILDING PERMIT - 1107 CARLTON AVENUE - WITHDRAWN

W. W. Cox had requested permission to discuss a problem he is having relating to building permit for a house that was relocated from 1512 Collegeview Avenue to 1107 Carlton Avenue. The City Clerk reported that Mr. Cox had stated early this afternoon that he thought he had the problem worked out; therefore, he would withdraw from the Agenda. Without objection, the item was withdrawn.

***ZONING CODE - CAR-CARE TOWING - NO ACTION TAKEN

Franklin R. Terry indicated he runs a business at 612 West Hargett Street. He indicated he went before the Board of Adjustment and they determined that he was a junkyard or junk car business; however, in his opinion, he is not. Therefore, he is before the City Council to ask the Council to reconsider that determination or at least change the zoning classification to put him in another zoning classification. He stated he tows vehicles but he does not tow junk cars. He explained he tows for private concerns such as the Army Reserve, illegal parking and apartment complexes, etc. He indicated all the cars he tows are in running condition and only stay at his place for a short while. He again stated he was at the meeting to ask the Council to take that category out of Section 10-2046B and place it in a different category. He stated since he has been determined to be a junkyard, the Board of Adjustment says that he has to hide his property with a laced fence. He explained he had talked with the owner of the property and they do not want to fence the property and further explained he had nothing to hide. He stated he wanted to continue operating at this location but the determination of the Board makes it almost impossible since the owner does not want to lace fence the property. City Attorney McCormick explained that in Industrial areas, you are allowed to have a junkyard or a storage yard under certain condition with Board of Adjustment approval. He indicated as he understands this case, the Board of Adjustment has determined that Mr. Franklin's business is a junkyard. He indicated the Board has the right to make that interpretation. He indicated the Council has several alternatives. One is consider establishing a new zoning classification for car-towing business or put them in a special zoning category or do nothing. He stated the City Council cannot overturn the Board of Adjustment ruling. Mr. Terry indicated he is not a storage yard or a junkyard. He is not in the junk yard business but the Board of Adjustment said he was a junkyard. Mr. Calloway questioned if it was possible to have a text change to set up a special zoning category or special consideration for this type business. City Attorney McCormick indicated the Council can always further subdivide any of the zoning classifications. Mr. Franklin indicated he thought the Board of Adjustment misunderstood his business with it being pointed out that the could request a rehearing before the Board of Adjustment. Mayor Upchurch indicated the Board of Adjustment's decision could also be appealed to the Court, but pointed out he had gone by this location and had seen cars parked on the lot that were not licensed cars. Lengthy discussion took place with Mr. Perry giving his reasons why he did not think he should be classed as a junkyard. After lengthy discussion, Mr. Walters pointed out in view of the fact that City Council has not jurisdiction over the Board of Adjustment's decision, the only thing he feels that Mr. Terry could do is to go to court if he is dissatisfied or request a rehearing before the Board. Ms. Block indicated she would not be in favor of any kind of text change to make the restrictions less stringent as the Council had a hard time getting the screening provision into the ordinance. No action was taken.

***DRAINAGE PROBLEM - LONGVIEW GARDENS AREA - REFERRED TO ADMINISTRATION; DRAINAGE PROBLEMS IN GENERAL - REFERRED TO PUBLIC WORKS COMMITTEE

A Mr. Murdock and Mr. Craig representing about twenty homeowners on Longview Lake (Old Pool Pond) were at the meeting asking the City to help relieve a silting situation that is occurring in their area. It was pointed out by Mr. Murdock that several years ago when Longview Garden was graded silt from that development created problems for the lake pointing out some 300 feet of the lake has been filled. He explained there are two homes that have boats that are on the banks now because of the silting as there is not access to the water. He explained the lake encompasses some 15 acres and with the additional grading for enlargement at the Longview Shopping Center, they are concerned for their area. He indicated there is an enormous amount of soil erosion going on in the area and it is also affecting the Raleigh Country Club. He indicated had it not been for their two ponds, he did not know what would have happened to the area. He stated they are questioning if the erosion methods and controls being put in place by the development that is occurring is adequate.

Henry Claig, president of Raleigh Country Club, indicated about three years ago when this project was started they had a heavy rain and consideration silting occurred at the creek, the wooded area as well as the construction site. He indicated the two country club lakes turned to red mud. He indicated their greens supervisor called the City's mud and flood boys who indicated that the developers are doing all they could do to help prevent erosion, that silt fencing has been installed, grass, etc. He stated the damage that they have had since the sediment control devices have been installed has been worse than it was before. He presented a number of pictures showing the damage and the sediment that has been deposited in the creek and the floodplain area as well as the area downstream. He stated the project has just started and they feel it will only get worse. They gave a detailed presentation on the what was occurring on a day-by-day basis explaining the pictures presented with Mr. Craig pointing out either their plan to control the erosion was totally inadequate or not followed. They explained the photos in detail pointing out the silt checked dam was just washed away in a recent rain. Mayor Upchurch questioned if the gentlemen felt that impoundment facilities could have prevented the siltation and erosion problem with one of the gentlemen indicating they felt it would prevent run-off but degrades the stream so that it cannot function naturally. He indicated they can tolerate the water but they cannot tolerate the silt. Lengthy discussion took place about this specific problem and the soil erosion and sedimentation control problem in general. Mrs. Block indicated, in her opinion, a developer is responsible for damage done to someone else's property. She spoke to the State Highway Department's work in installing holding ponds and the affects of those and again indicated she feels a developer is legally responsible for damage done to another property, but she feels that the City would value the input and expertise of the two gentlemen who both have expertise in this field.

City Manager Benton indicated he got involved in this problem on Monday of this week. He pointed out yesterday, the contractor and the developer on site were cleaning out the silt basins and trying to get them reestablished explaining we have had extremely heavy rain storms. He indicated the City does not have tools in our code relating to off-site problems. He explained this is a difficult situation from the standpoint of soil erosion because of the amount of water coming onto this site from other locations. He indicated he feels we need to look at upgrading our soil erosion code and make sure that this developer is maintaining their controls and the City needs to do some work to try to help correct problems that are downstream from the development. Mr. Craig spoke to the size of the sediment control basin on this project and his feelings on whether it would work or not. Mrs. Cates questioned what type criteria the City has for determining size of silt fencing pointing out in her opinion it looks as if we should use different size or height of silt fence based on slopes, soils, amount of grading, etc., pointing out she has seen silt coming over the fences on many construction sites in the City. Mr. Benton indicated the silt fencing is just one sediment control device with Mrs. Block pointing out in her opinion they are totally inadequate and this was discussed with City Manager Benton disagreeing. City Manager Benton indicated the City of Raleigh has more development activities going on than any other city in North Carolina and all of the development does not have problems. Mr. Murdock indicated he had been in touch with this particular contractor and had been told that they are doing everything that the City required them to do. After other discussion on the specific problem and the problem in general, it was agreed to refer this particular problem to Administration and refer this type problem to Public Works to study our ordinances, etc.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

***STREET CLOSING - OAKVIEW COURT RIGHT-OF-WAY - APPROVED

This was a hering to consider the permanent closing of the unimproved northern extension of Oakview Court right-of-way. The hearing is pursuant to resolution of intent, notification, and advertisement as required by law. Planning Director Chapman explained the location, etc. The Mayor opened the hearing, no one asked to be heard; thus, the hearing was closed. Mr. Walters moved adoption of a resolution closing the street as advertised. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Resolution 563.

RESOLUTION NO. (1984)-563

A RESOLUTION ORDERING THE CLOSING OF THE UNIMPROVED NORTHERN EXTENSION OF OAKVIEW COURT AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of the unimproved northern extension of Oakview Court right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Oakview Court be closed permanently as follows:

The abandoned extension of Oakview Court, on the northern side of Banks Street, 50' wide by approximately 135' deep. This street right-of-way is bounded by Lot 366 as well as lot 365 on the western side and Lots 436 and 437 on the northern side.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina, upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 7/3/84

***STREET IMPROVEMENTS - GREYSON STREET - HEARING - PROJECT DROPPED

This was a hearing to consider the installation of curbs, gutters, and drains, and paving twenty-seven feet, back-to-back, on Greyson Street from Dacian Road to Rose Lane. The hearing is pursuant to petition, resolution, advertisement, and notification as required by law. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing to the public.

Warren Liles, 512 Rose Lane, was at the meeting representing himself and his wife as well as Virginia Smith who lives across the street. He indicated they have lots that are 387 feet deep from Rose Lane down Greyson Street. He indicated they signed the petition and would love to have the street paved but are not willing to pay for it. Mr. Liles indicated when he signed the petition, he wrote under his name that he was willing for the street to be paved and wanted it paved, but would not pay for it. Ms. Smith indicated she too signed the petition and she wants the street paved, but she does not want to pay for it.

Richard Armstrong indicated he was the one who initiated the petition pointing out he thought he had more frontage than any of the other property owners. He stated he too would like to have the street paved without having to pay for it but realized that someone has to pay; therefore, he was willing to pay. The procedure for the street paving was explained with Mr. Walters pointing out eventually the street will have to be paved. After brief discussion, on one else asked to be heard; thus, the hearing was closed. Mr. Walters moved that the City drop consideration of paving Greyson Street between Dacian Road and Rose Lane at this point. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SIDEWALK AR-203 - KING CHARLES ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges as outlined in Sidewalk Assessment Roll-203 which covered the installation of sidewalks on King Charles Road according to charges outlined in Resolution 1984-523 adopted on May 15, 1984. The Mayor opened the hearing; no one asked to be heard; thus, the hearing was closed. Ms. Block moved adoption of the confirming resolution as advertised. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:30 p.m. See Resolution 564.

***SIDEWALK AR-204 - WAKE FOREST ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges outlined in Sidewalk Assessment Roll 204 according to charges outlined in Resolution 1984-525 adopted May 15, 1984. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing. No one asked to be heard; thus, the hearing was closed. Mrs. Block moved adoption of the confirming resolution. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:31 p.m. See Resolution 564.

RESOLUTION NO. (1984)-564

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLLS 203 AND 204

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of July, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1984-523 and 525 adopted on the 15th day of May, 1984, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Rolls 203 and 204," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 7/3/84

***WATER AR-1005 - FALLS OF NEUSE ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the installation of a water main in Falls of Neuse Road, according to charges outlined in Resolution 1984-526, adopted on May 15, 1984. It was pointed out this property is outside the City Limits, and the assessments would become due upon annexation of the property or tap-on to the line. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing to the public. A Mr. Johnson representing Children's Bible Mission on Falls of Neuse Road questioned when this area would be annexed into the City. City Manager Benton indicated this area is in the Falls Basin and the City has to give a two-year notice relating to annexation and this area has not been included in a two-year notice. Mr. Johnson indicated their assessment would be $9,400 and if they are annexed

would water and sewer be provided with City Manager Benton indicating if an area is annexed that water and sewer has to be provided within one year. Mr. Johnson questioned if when they are annexed if the assessment could be deferred as long as the property is a non-profit use. Mayor Upchurch indicated the assessment could not be deferred but the property owners would be given a ten-year period in which to pay the charges. No one else asked to be heard; thus, the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:35 p.m. See Resolution 565.

RESOLUTION NO. (1984)-565

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 1005

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of July, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. 1984-526 adopted on the 15th day of May, 1984, which assessments appear on "The City of Raleigh Special Water Assessment Roll 1005," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 7/3/84

Effective: Upon annexation or cap on to fee line.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Gail G. Smith
City Clerk

dg/CC J